

EXHIBIT C

ALAN BULIFANT
September 27, 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHNATHAN L. BURKS,

Plaintiff,

vs. Case No. 2:19-cv-10027

Hon. Gershwin A. Drain

BENNY NAPOLEON, et al., Magistrate Judge Anthony Patti

Defendants.

/

The Deposition of ALAN BULIFANT,
Taken at 500 Griswold Street, 30th Floor,
Detroit, Michigan,
Commencing at 9:07 a.m.,
Monday, September 27, 2021,
Before Cheri L. Poplin, CSR-5132, RPR, CRR.

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<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 FOR PLAINTIFF:</p> <p>4 SARAH S. PRESCOTT</p> <p>5 Salvatore, Prescott, Porter & Porter</p> <p>6 105 East Main Street</p> <p>7 Northville, Michigan 48167</p> <p>8 248.679.8711</p> <p>9 prescott@sppplaw.com</p> <p>10</p> <p>11 FOR DEFENDANTS:</p> <p>12 PAUL T. O'NEILL</p> <p>13 Wayne County Corporation Counsel</p> <p>14 500 Griswold Street</p> <p>15 Floor 30</p> <p>16 Detroit, Michigan 48226</p> <p>17 313.967.6402</p> <p>18 poneill@waynecounty.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 Detroit, Michigan</p> <p>2 Monday, September 27, 2021</p> <p>3 9:07 a.m.</p> <p>4</p> <p>5 ALAN BULIFANT,</p> <p>6 was thereupon called as a witness herein, and after</p> <p>7 having first been duly sworn to testify to the truth,</p> <p>8 the whole truth and nothing but the truth, was</p> <p>9 examined and testified as follows:</p> <p>10 EXAMINATION</p> <p>11 BY MS. PRESCOTT:</p> <p>12 Q. Hi, Commander. I'm Sarah Prescott. We theoretically</p> <p>13 met, it was a Zoom meeting, before, but I'm going –</p> <p>14 it's going to run very similarly. I will ask you some</p> <p>15 questions, and we have these masks, which makes it</p> <p>16 even harder for the court reporter and sometimes for</p> <p>17 me to tell if maybe you're hesitating but you have</p> <p>18 more to say. Likewise, you may not know if I'm</p> <p>19 finishing. But best case scenario we don't talk over</p> <p>20 each other and we have a little gap in between so that</p> <p>21 Cheri can take down everything both of us say. If you</p> <p>22 need a break, that's always no problem. I'd just ask</p> <p>23 that we – answer any question that's pending and then</p> <p>24 it's fine to take a break any time you need. And then</p> <p>25 the last point, and I'm sure I said this to you when</p>
<p style="text-align: right;">Page 3</p> <p>1 TABLE OF CONTENTS</p> <p>2</p> <p>3 WITNESS PAGE</p> <p>4 ALAN BULIFANT</p> <p>5</p> <p>6 EXAMINATION BY MS. PRESCOTT 4</p> <p>7</p> <p>8 EXHIBITS</p> <p>9</p> <p>10 EXHIBIT PAGE</p> <p>11 (Exhibit attached to transcript.)</p> <p>12 EXHIBIT 1 143</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 we met before, but if there's ever a time where you</p> <p>2 don't know what I'm asking, will you let me know?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. What do you understand is your capacity for</p> <p>5 being here today in terms of your role as a witness?</p> <p>6 A. I'm here to answer questions about the Burks lawsuit</p> <p>7 regarding a sexual assault that occurred in the jail</p> <p>8 and my knowledge of departmental policies and</p> <p>9 procedures and to rebut reports from the experts</p> <p>10 regarding the matter.</p> <p>11 Q. Since the last time that you asked questions – or</p> <p>12 excuse me, answered questions up to today when you</p> <p>13 started answering questions, what documents have you</p> <p>14 reviewed of any kind about the case?</p> <p>15 A. I was given the expert reports to read that I believe</p> <p>16 are supplied by your side, and I had to provide my</p> <p>17 resume or CV here.</p> <p>18 Q. Okay. And besides looking at the reports of the</p> <p>19 experts, have you looked at any of the documents that</p> <p>20 were prepared, for example, by the department or</p> <p>21 anybody to do with the underlying matter or case?</p> <p>22 A. No. I don't have access to the Internal Affairs files</p> <p>23 or anything anymore.</p> <p>24 Q. Last time when we met you were sitting as a</p> <p>25 representative speaking on behalf of the county, so</p>

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<p style="text-align: right;">Page 6</p> <p>1 then there's a whole bunch of your own personal 2 knowledge that we can't really get into there, and so 3 I just want to understand what you do and don't know 4 and did and didn't do as background. So let's begin 5 with whether – have you ever in your life met the 6 rapist, Martin Solomon? 7 A. Yes. 8 Q. In what capacity did you ever meet him? 9 A. When I was made the commander at Jail Division 1, he 10 was an inmate there, so I had to have some dealings 11 with him while he was an inmate. 12 Q. Was that during or after September 2018, then? 13 A. Yes. 14 Q. And so would that timeline, sometime after 15 September 2018, be the very first time that you ever 16 met him? 17 A. That I physically met him, yes. 18 Q. Okay. And also the first time that you had ever 19 spoken to him would have been during or after 20 September of '18? 21 A. Yes. 22 Q. And had you heard anything about him before September 23 of 2018? 24 A. Yes. 25 Q. Okay. In what capacity?</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. What was your – you know, a commander of a jail 2 division is pretty high up, so the fact that you're 3 dealing with a particular inmate when you're the 4 commander in 2018, what was that about? 5 A. Mr. Solomon became – and I don't know if this is 6 HIPAA protected. I mean, am I allowed to talk about 7 his medical condition? 8 Q. Yeah. 9 MR. O'NEILL: Yes. 10 A. Okay. So in 2018 when I became the commander, 11 Mr. Solomon, from what the medical teams had told me, 12 was suffering from – there was no physical ailment, 13 but he felt that he could not walk and that he was 14 confined to a wheelchair, so the doctors had assured 15 that there was no physical reason for this, so there 16 would be difficulties and times moving him to 17 different areas of the jail for different activities 18 or whatever, and then, you know, there were times he 19 would make accusations against staff and other inmates 20 and things, so it had become necessary at times 21 videotape his movements and – and there was one 22 incident in particular where I had to supervise the 23 movement of him from Jail Division 1 to Jail 24 Division 2. 25 BY MS. PRESCOTT:</p>
<p style="text-align: right;">Page 7</p> <p>1 A. When I was the captain of Internal Affairs, you know, 2 there was some investigations regarding his behaviors 3 in the jail, namely, the sexual assault with 4 Mr. Burks. 5 Q. Okay. And so am I correct that you become the captain 6 in charge of Internal Affairs, as you just mentioned 7 it, in May of 2017? 8 A. I was actually made the executive lieutenant of 9 Internal Affairs back in 2009, and I served in that 10 capacity all the way up until January of 2017. At 11 that point all of the captains were moved. I was sent 12 to Jail Division 1 as a captain there, and then in May 13 of 2017 they asked me to go back to Internal Affairs 14 and so I returned then, but in 2011 I was appointed to 15 the rank of captain. 16 Q. I see. Okay. So from February 2011 until you leave 17 for Jail Division 1 in 2017 you're running Internal 18 Affairs as its captain? 19 A. Yeah. Also in 2009 to 2011 I was the executive 20 lieutenant, which was the highest rank in Internal 21 Affairs at that time. 22 Q. Okay. That's helpful. And so had you heard of any 23 Internal Affairs investigations involving Solomon 24 other than to do with Burks? 25 A. I don't recall.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. And is the idea of the supervision that you were 2 worried that he'd make an allegation that something 3 happened that the officers never really did do – 4 A. Yes. 5 Q. – if it wasn't witnessed by somebody? 6 A. Yes. 7 Q. And is that also the idea behind the videotaping? 8 A. Yes. 9 Q. Were you also videotaping to prove that when he wanted 10 to he could get up and walk? 11 A. Well, no. It wasn't – we weren't videotaping like 12 24/7. Like what happened is like when we went to move 13 him that day, we videotaped our interaction with him 14 in moving him to prove we didn't hurt him or assault 15 him or do anything like that. 16 Q. I got it. And all that time is it your understanding 17 that he was awaiting trial for raping a woman and my 18 client both? 19 A. I'm not sure if I knew if he was awaiting trial or if 20 he was sentenced or whatever. I mean, I knew – I 21 remembered him from our Internal Affairs case and that 22 there was a sexual assault case. I don't know if I 23 knew if he had been convicted at that point or not or 24 what. 25 Q. Okay. In other words, though, your understanding was</p>

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<p style="text-align: right;">Page 10</p> <p>1 that he was lying and malingering about his supposed 2 weakness and being in a wheelchair? 3 A. All I know is that the medical team told me there was 4 nothing physically wrong with him. 5 Q. Did anyone ever advise you that he had been engaged 6 with an alleged sexual assault of someone in MDOC and 7 then that prisoner had stabbed him repeatedly? 8 A. I don't recall if I knew that or not. 9 Q. Okay. Did you ever speak with Mr. Solomon about the 10 Burks matter? 11 A. No. 12 Q. Do you know anybody who did? 13 A. It was assigned to one of my detectives when I was in 14 charge of Internal Affairs. I don't remember who it 15 was, but, I mean, I would have assigned the case and 16 it would have gone back through my office, you know, 17 to be approved and everything. 18 Q. Okay. So you're not – you don't know really? 19 A. Yeah. I wasn't intimately involved with the 20 investigation. 21 Q. Okay. How about Mr. Burks? Have you ever in your 22 life spoken with my client, Mr. Burks? 23 A. Not that I'm aware of, no. I mean, if I had made 24 rounds in the jail or something, maybe I had seen him 25 but I didn't know, you know . . .</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. And when you say signed off, is there an actual 2 literal paper that does that? 3 A. Yes. There's a cover sheet. 4 Q. Okay. And when do you leave did you say? 5 A. I became the commander of Division 1 in September of 6 2018. 7 Q. Okay. You did say that. All right. 8 MS. PRESCOTT: So I have here a page marked 9 3057, Paul. I don't know that I'm going to mark it, 10 but . . . 11 BY MS. PRESCOTT: 12 Q. Can you take a look at that, Mr. Bulifant? My 13 question is just what is that page? 14 A. This is an IA closure notification which shows that 15 the warrant was approved and that he was arrested on 16 the warrant, went to trial and was found guilty. It's 17 by Corporal Christopher Lawson, so he was the 18 detective. 19 Q. Okay. And it's to you? 20 A. Um-hmm. 21 Q. That's a yes just for the record? 22 A. I'm sorry. Yes. 23 Q. Okay. And then but that's in 2019? 24 A. Yes. 25 Q. Is there – based on your prior answer, it sounded</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Okay. And do you know anyone who did speak with him 2 ever about the Solomon incident? 3 A. I know one of my detectives that I would have, but who 4 it was I don't know. 5 Q. All right. Have you ever – I know you said that you 6 weren't intimately involved with the investigation. 7 Did you watch any of the witness interviews, like 8 either in the room or because you could, you know, 9 monitor them remotely? 10 A. I don't believe I had the capacity to monitor them 11 remotely at that time, and I did not sit in on them. 12 We did be – we did get the ability to monitor 13 remotely, but I believe it was after 2016. 14 Q. Okay. Then all the way up till today have you 15 reviewed the tape-recordings of any interviews that 16 occurred around the Solomon and Burks rape? 17 A. No. 18 Q. Do you have a memory sitting here today of reading the 19 report of the sergeant that you would have assigned 20 when he or she was done with the review? 21 A. I don't have a memory of it. I mean, I'm sure that 22 I – that I – if it had been turned in and submitted 23 before I had left to become the commander of 24 Division 1, I would have had to have read it and 25 signed off on it.</p>	<p style="text-align: right;">Page 13</p> <p>1 like you were out of IA by then. 2 A. That's correct. 3 Q. So do you know why this memo was to you? 4 A. Obviously whoever the captain was that was in charge 5 of IA at that time, which would have been Captain 6 Carmen Ramirez, didn't realize it. 7 Q. I'm sorry. Can you say that again? Someone didn't 8 realize what? 9 A. The captain that this would have been submitted to, 10 which was Carmen Ramirez, didn't realize that it 11 wasn't her name at the top. 12 Q. Do you know if you ever got 3057 and any attachments 13 to it? 14 A. This wouldn't have come to me, no. Because I was at 15 Division 1. 16 Q. Okay. And then once you're at – out of IA it sounds 17 like from something you said earlier you don't have 18 access to those files? 19 A. Right. Unless you were to be tasked with like a 20 disciplinary hearing or something like that. When 21 you're out, you're out. 22 Q. Can you tell – there is a signature and a stamp of 23 approved. Did you use that stamp when you were in IA? 24 A. Yes. 25 Q. What does that mean?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. It means that it's been approved and then you would 2 initial it, so this was – it looks like a K to me. 3 It could have been Carmen Ramirez, the captain, or it 4 could have been – I'm not sure if Kevin O'Rourke was 5 still the sergeant at that time or if he had been 6 moved as well, but it looks like a K to me. 7 Q. Okay. It's helpful because my next question was 8 there's a little squiggle of some sort of maybe an 9 initialing, and you're not sure who that is? 10 A. Yeah. My – yeah. I'm not sure who it is. I believe 11 it would be Carmen Ramirez or Kevin O'Rourke. 12 Q. Okay. Were you ever on Ward 610 let's say in the 13 three months before and including August 2016? 14 A. I started in the Wayne County Sheriff's Office in 15 1993, and I was assigned to the old jail, and I worked 16 the sixth floor many, many times as an officer between 17 1993 and 2002, so I had been on Ward 610 many times 18 prior to 2016. 19 Q. Okay. So I'm just asking – fair. I'm just asking in 20 the three months, so June, July, August of 2016, were 21 you ever in Ward 610? 22 A. Not that I remember. 23 Q. Okay. Have you ever spoken with the commander of the 24 jail division who is responsible at the time of the 25 rape?</p>	<p style="text-align: right;">Page 16</p> <p>1 A. It's a report package from the jail. 2 Q. Okay. What should it contain? 3 A. It would contain a cover sheet and then it would have 4 a PJ83, which is the original police report. It could 5 possibly have PJ99s, which are supplemental reports 6 from other officers that are involved. It may have 7 documents from medical. It may – it will usually 8 have inmate witness forms or possibly other civilian 9 witness forms in it. It will have prosecution rights 10 forms in it. It will have a jail management system 11 disciplinary report. It will have a housing status 12 board printout of the inmates that are in that area, 13 and then, you know, depending upon the case or the 14 allegation, whatever it – there's various other 15 things, I mean, evidence tags. There's various other 16 things that could be included. 17 Q. Okay. And so who would oversee the gathering of that 18 package? 19 A. The jail. 20 Q. Say it again. 21 A. The jail. 22 Q. The jail. So there are witnesses. There are officers 23 who are going to write the PJ83 and that's just going 24 to be whoever first came upon the incident; right? 25 Whichever officer –</p>
<p style="text-align: right;">Page 15</p> <p>1 MR. O'NEILL: Spoken about the case? 2 MS. PRESCOTT: About the case, yeah. 3 A. No. I wouldn't have spoken to them about the case. 4 BY MS. PRESCOTT: 5 Q. Okay. Do you know who was the commander that was over 6 the jail division where the rape occurred? 7 A. It changed hands multiple times. I'm sure I know who 8 the commander is, but I can't say specifically whether 9 it was Lynnette Cain or Donafay Collins or whoever at 10 that time. 11 Q. Okay. Did you ever speak with anybody senior to you 12 about the Burks and Solomon rape? 13 A. Yeah. When cases come over to Internal Affairs to be 14 investigated, you received a report package and I 15 review it, and then what I would do is I would take 16 them to Deputy Chief Tonya Guy, who was my boss, and 17 then I would sit down and say, hey, look, this is a 18 case that we've received from the jail, they're asking 19 for us to investigate it, it looks like, you know, 20 this is the allegation, do we have your approval to go 21 ahead and initiate, you know, this investigation, 22 which she would have granted and then we would assign 23 it out. 24 Q. Okay. And what is the package that comes over that 25 you'd have in hand before you would have that meeting?</p>	<p style="text-align: right;">Page 17</p> <p>1 A. That it's reported to. 2 Q. Is reported to. So then is the person who oversees 3 the collection that person's sergeant or that person's 4 lieutenant or captain or commander? Who is 5 responsible for overseeing that? 6 A. My answer would be in stages all of them because like 7 let's say it happens on a weekend, so initially what 8 happens is you report the incident, you notify your 9 command, you notify medical, you notify 10 classification. You do everything you need to do. 11 You write your reports up. You have to take them to 12 the sergeant to get them approved. Then the sergeant 13 makes sure that the package is together and has 14 everything it has, and he submits it – or he or she 15 submits it to the lieutenant. The lieutenant then 16 reviews to make sure that everything is there and 17 nothing is missing. They submit it to the captain. 18 The captain reviews it. The captain gives it to the 19 commander. The commander at that point back then, 20 they were still having to send them to the deputy 21 chief to look at, and then it would have to go to the 22 chief, and then it would be sent over to Internal 23 Affairs. 24 Q. Okay. Are the people – if it's an allegation of 25 sexual assault, just to make it easier, are the</p>

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<p style="text-align: right;">Page 18</p> <p>1 accused and the victim, alleged victim, are they 2 already interviewed by the time this comes to IA or 3 does IA have to do that? What phase would – who 4 would be handling that? 5 A. So it can happen in a few different ways, but the way 6 that it would normally happen is the allegation would 7 be made. They're separated. The officers would give 8 them witness statement forms to fill out. They would 9 fill them out. Internal Affairs would be notified, 10 and then a detective would be sent over to make 11 interviews or conduct interviews. 12 Q. Okay. And that's before the packet has gone through 13 the eight steps of all the way up and it's been 14 assigned? IA would already be sending someone over? 15 A. It can be done that way, yes. Now, there are times 16 where it won't be because you may get a call from like 17 a prison that says, hey, this inmate claims back in 18 June of two years ago he was sexually assaulted. 19 Well, obviously in that case there's nobody to go 20 interview or whatever, so you'll get the package 21 through first before you may try to settle that stuff 22 up. So it depends on the case. But that's a typical 23 serious sexual assault response. 24 Q. Okay. And are all IA interviews recorded in 2016? 25 A. They're supposed to be, yes.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. In 2016 you would have known that he was a 2 registered sex offender, right? 3 A. If he was in the jail on a rape case but not 4 convicted, he may not have necessarily been registered 5 at that point, so I don't know if I would have known 6 if he was registered at that time or not. 7 Q. So you don't recall at the time you were looking at 8 this knowing that he'd, in fact, been convicted and 9 served a lengthy sentence in which he had maxed out 10 for raping a child? 11 A. No. I don't – I don't recall that. 12 Q. Would you have known in 2016 about how MDOC had tried 13 to send him to sex offender or rehabilitation 14 education and that he had been ejected from the 15 program? 16 A. No. I wouldn't have known that. I want you to 17 understand the role of Internal Affairs, it's not fair 18 to treat someone based upon – you treat each 19 individual act as an investigation and a new 20 investigation. You know, you can't necessarily say 21 because someone's done something in the past that 22 they're automatically guilty now. You look at the 23 evidence and you look at, you know, everything that 24 you have, and you present that to the prosecutor's 25 office, and then they take the action that they want</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Am I correct that you personally, you individually did 2 not interview any witnesses for the Burks and Solomon 3 investigation? Is that right? 4 A. Not that I recall, no. 5 Q. Okay. And do you have a memory of reading any witness 6 statements from the investigation? 7 A. I don't specifically recall them, but when the report 8 package would have come through to me, I would have 9 read it so that I could go and talk to the deputy 10 chief guy about it, so I would have read them. 11 Q. Do you know all the way in your whole life sitting up 12 till today whether you've ever seen the intake and 13 classification documents of either Solomon or Burks? 14 A. I don't believe I've seen them. 15 Q. How about Solomon's – how much do you know all the 16 way sitting up to today about Solomon's history of 17 institutional and on the street rapes? Putting aside 18 the Solomon and Burks piece. So, you know, sexually 19 assaulting bunkies or sexually assaulting women or 20 children out in the world. 21 A. Yeah. I mean, I guess I would feel safe in saying 22 that I know he's accused to have committed a or some 23 sexual assaults. As far as how many or, you know, who 24 the victims were or how or how it was done, I didn't 25 have that intimate knowledge of it.</p>	<p style="text-align: right;">Page 21</p> <p>1 to take. So did I know it? No. And, quite frankly, 2 you investigate the case for what it is. 3 Q. Okay. So when you investigate the case for what it 4 is, that doesn't include trying to identify the 5 person's charge or substantiated history of sexually 6 assaulting others when you have a sexual assault case? 7 A. If somebody had never raped anybody before but raped 8 somebody now, does that make it any less egregious? 9 Q. Can you answer my question? Your investigation 10 doesn't include and embrace trying to figure out if 11 someone alleged to have committed a sexual assault may 12 have a history of committing sexual assaults it sounds 13 like, right? 14 A. No. That is something that you may take into 15 consideration when you're preparing to interview 16 someone, but that does not make them automatically 17 guilty. 18 Q. I didn't say anything – your department and your 19 office never made any determination of substantiation 20 or non-substantiation of the allegations, did it? 21 A. We submitted a warrant request asking for criminal 22 charges to be brought against him. That is our 23 statement of we believe that we have probable cause 24 that he has done this, we are asking you to criminally 25 charge him so that he can stand trial for that. That</p>

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<p style="text-align: right;">Page 22</p> <p>1 is our statement.</p> <p>2 Q. That right there?</p> <p>3 A. Yeah.</p> <p>4 Q. Okay. When he's -- when the warrant is requested?</p> <p>5 A. Yes.</p> <p>6 Q. Is your department's determination?</p> <p>7 A. If we didn't have probable cause in our mind, we</p> <p>8 wouldn't be able to submit the warrant.</p> <p>9 Q. Okay. And that's a serious thing? I mean, you're</p> <p>10 asserting on the reputation and the basis of the</p> <p>11 investigation in your department probable cause;</p> <p>12 right? You understand that that has judicial</p> <p>13 importance --</p> <p>14 A. Yes.</p> <p>15 Q. -- that your department stands behind that, right?</p> <p>16 A. Yes.</p> <p>17 Q. And that your department if it -- I mean, you have</p> <p>18 this relationship with the prosecutor's office, hey,</p> <p>19 we stand behind this determination, this is our word</p> <p>20 on this, right?</p> <p>21 A. Yes.</p> <p>22 Q. Well, then why wasn't this case marked substantiated</p> <p>23 when you did that?</p> <p>24 A. Because we don't substantiate a case. The trier of</p> <p>25 fact in this case, the criminal justice system are the</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Are you aware of federal law saying in 2016</p> <p>3 that your department had a duty within its own walls</p> <p>4 to substantiate or not substantiate sexual assaults?</p> <p>5 A. Yes. And we did when he was convicted.</p> <p>6 Q. Okay. But you just told me moments ago, and we went</p> <p>7 over it about four times, that your department's</p> <p>8 determination of substantiation was upon determining</p> <p>9 probable cause. Didn't you say that?</p> <p>10 A. Yes. I recall saying that.</p> <p>11 Q. And that you guys stand behind that as your reputation</p> <p>12 and that's, you know, an important judicial step. Do</p> <p>13 you remember saying that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And so my question for you is, why didn't your</p> <p>16 department report to the federal government that it</p> <p>17 had done its role, its whole entire role, you were</p> <p>18 done, anybody else can do whatever they want in Kym</p> <p>19 Worthy's office, we substantiate this?</p> <p>20 A. Because the case is not finished at that point.</p> <p>21 Q. Okay. Well, let me ask you this way. What if Kym</p> <p>22 Worthy said I don't have the resources or one of my</p> <p>23 prosecutors messed up and accidentally didn't turn</p> <p>24 over Brady evidence or committed -- you know, had an</p> <p>25 affair with the defense lawyer or something and I</p>
<p style="text-align: right;">Page 23</p> <p>1 ones that decide is he guilty or is he not.</p> <p>2 Q. Okay.</p> <p>3 A. We allow the justice to take its course.</p> <p>4 Q. So you're not aware of the obligation under federal</p> <p>5 law to substantiate or rule substantiated or</p> <p>6 unsubstantiated sexual assaults that happen in the</p> <p>7 Wayne County Jail?</p> <p>8 A. Upon his conviction it's substantiated.</p> <p>9 Q. No. Listen to my question. You're not aware of your</p> <p>10 duty within the jail to rule, substantiated or not</p> <p>11 substantiated?</p> <p>12 A. I am aware of that duty because I used to have to</p> <p>13 report the crime statistics to the feds.</p> <p>14 Q. Right.</p> <p>15 A. And upon the conviction he is substantiated guilty.</p> <p>16 Q. Okay. See if you can follow my point.</p> <p>17 A. I can follow your point.</p> <p>18 Q. Outside of your whole role, you have no role</p> <p>19 whatsoever, jurisdiction, ability to do anything to</p> <p>20 prosecute someone, right? That's not your jail's</p> <p>21 role?</p> <p>22 A. Short of requesting a warrant.</p> <p>23 Q. Right. But you agree with me, right? There's no --</p> <p>24 your step ends when you request a warrant and then</p> <p>25 somebody else has to go prosecute?</p>	<p style="text-align: right;">Page 25</p> <p>1 can't prosecute this case? Don't you have a duty and</p> <p>2 a responsibility internal to your own walls to make</p> <p>3 your own decision no matter what she does in her</p> <p>4 office?</p> <p>5 A. You're asking about the report to the Federal Bureau</p> <p>6 of Prisons Crime Statistics report that we submit</p> <p>7 every couple of -- every year about substantiated,</p> <p>8 unsubstantiated, confirmed, unconfirmed. That's --</p> <p>9 that's the statement that you're requesting, that they</p> <p>10 send me through the mail that I read and interpret the</p> <p>11 rules and the following myself and submit, that they</p> <p>12 sometimes may or may not call back and ask you a</p> <p>13 question on. In relation to this hypothetical about a</p> <p>14 prosecutor sleeping with a defense attorney or</p> <p>15 something, that situation didn't happen, so I didn't</p> <p>16 have to face that and I didn't have to make a decision</p> <p>17 on that. Just like in 2019 I wasn't there to make the</p> <p>18 decision on this case. We requested a warrant</p> <p>19 request. The Wayne County Prosecutor's Office issued</p> <p>20 that. We went to trial and we got a criminal</p> <p>21 conviction that makes Martin Solomon guilty of a</p> <p>22 criminal sexual assault. We did everything that we</p> <p>23 could possibly do to provide justice in that matter.</p> <p>24 Q. Well, we'll get to more on that, but can I have an</p> <p>25 answer to my question? Do you remember what --</p>

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<p style="text-align: right;">Page 26</p> <p>1 A. You're asking if I was aware of the duty to report it. 2 And yes, it was reported. 3 Q. No. I didn't ask that. I'm not asking about the duty 4 to report. 5 A. Then repeat the question, please. 6 Q. Okay. It's not about reporting. I didn't ask 7 anything about reporting in my question. My question 8 was whether you have a duty to make a determination 9 inside your department of substantiated or 10 unsubstantiated for yourselves. 11 A. Fine. In my opinion, because we requested a warrant 12 request, in our mind it was substantiated. 13 Q. Okay. And then you didn't report that on – do you 14 know that you didn't – that this wasn't reported at 15 that time to the federal government through multiple 16 different formats? 17 A. They send it to us as a survey. 18 Q. Just are you aware? 19 A. Anything that I was given once it was determined 20 completed – because what's the date on the warrant 21 request? When was it submitted? 22 Q. It was submitted years earlier. I mean, it took them 23 forever to prosecute the guy. 24 A. So, I mean, I don't have those documents in front of 25 me about how many I said were confirmed, how many were</p>	<p style="text-align: right;">Page 28</p> <p>1 marked substantiated after the warrant request 2 asserting probable cause, can you? 3 A. I think we're arguing apples and oranges here. In our 4 mind it was substantiated because we submitted the 5 warrant request. 6 Q. Okay. 7 A. Now, did somebody misinterpret the rules when they 8 report it and said we need to wait for a criminal 9 conviction? That may have happened. The point of the 10 matter is it doesn't change what happened at the end 11 of the day. He was accused of sexual assault. We 12 requested a warrant. He went to trial and he was 13 convicted. 14 Q. Okay. So is that the end of it for you? You got a 15 conviction of this guy and so that's the end of what 16 your department needed to look at, in particular 1A? 17 A. If there had been some egregious action, some error, 18 something that had occurred that would have caused us 19 to take action, to take notice, to decide that there 20 was some deficiency somewhere, any evidence at all 21 that led to that, we would have taken action, but 22 when – in lacking any evidence that leads you down 23 that substantial trial, all you can do is let the 24 wheels of justice work. 25 Q. So you needed an egregious error or action but you</p>
<p style="text-align: right;">Page 27</p> <p>1 not. I don't have that stuff in front of me to look 2 at. I don't know what was sent in that year by me to 3 the feds. Do you have the survey? 4 Q. Yeah. I have it. Yeah. In 2016 it says no, no cases 5 happened. In 2017 it says no, no substantiated cases 6 happened. 2018 – the 2018 report about 2016 or, you 7 know, no, no substantiated cases happened. And I'm 8 just wondering why that is. I guess your answer is we 9 were waiting to see what Kym Worthy was going to do 10 and whether a jury would convict, right? 11 A. Yeah. 12 Q. So only if Kym Worthy gets a conviction and nothing 13 goes wrong in the court or she doesn't decide she's 14 going to prosecute it does your department say we have 15 a substantiated case? Is that the pattern? 16 A. I don't know. I guess I would have to wait and see. 17 Q. Well, I'm just asking if that's the pattern. 18 A. There is no pattern. 19 Q. Okay. It's just that there are very few substantiated 20 cases, and I can see why that is if you're waiting for 21 Kym Worthy to do whatever outside her walls as opposed 22 to making your own determinations. 23 A. No. There's a number of reasons why there are very 24 few unsubstantiated cases. 25 Q. Well, you can't give me a reason why this one was not</p>	<p style="text-align: right;">Page 29</p> <p>1 lacked any evidence. Did your people in 1A look for 2 any evidence of anybody doing anything wrong other 3 than Martin Solomon? 4 A. They would have read the reports, interviewed the 5 parties involved, taken their statements, and they 6 would have followed where the evidence led. If 7 somebody had said something had occurred, then they 8 could have followed up on that, but when that doesn't 9 occur, they can't. 10 Q. Okay. So you have people come through the jail, 11 20,000 people a year, and they have a whole wide 12 variety of abilities, right, from probably pretty 13 clever, hardened people, to some pretty vulnerable not 14 the brightest bulbs. Can we agree on that? 15 A. Yes. 16 Q. Okay. Am I correct that you're not expecting victims 17 of crime to know what they should be asking and 18 answering in an investigation with a trained police 19 officer, are you? 20 A. Yes. I do expect a victim of a crime to be able to 21 tell me what has occurred. We can't go out and 22 speculate every single day – I mean, for instance, 23 did you commit a crime today? Should I be asking you 24 that question? Should I be asking the court reporter 25 if she committed a crime today?</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q. I don't understand your point.</p> <p>2 A. Do I go to a bank and ask a bank teller were you</p> <p>3 robbed today? Or do I wait for the bank teller to</p> <p>4 say, hey, we were robbed?</p> <p>5 Q. Okay. So now you have a victim saying I was raped.</p> <p>6 A. Okay.</p> <p>7 Q. And now you automatically know that if true, and you</p> <p>8 have to figure that out, but if true, you have someone</p> <p>9 who's undergone a serious trauma; right?</p> <p>10 A. Yes.</p> <p>11 Q. And you don't know yet because you barely talk to them</p> <p>12 if they're the dimmest bulb in all of Wayne County or</p> <p>13 a criminal mastermind and that's why they're there;</p> <p>14 right? You don't know what their capabilities are.</p> <p>15 You've got to figure that out; right?</p> <p>16 A. No. I'm taking their statement and I'm following the</p> <p>17 facts where they lead.</p> <p>18 Q. Okay.</p> <p>19 A. So in the scenario you just gave, it makes it sound</p> <p>20 like if I think they're a criminal mastermind and</p> <p>21 they're trying to manipulate it, I don't follow up on</p> <p>22 it at all. That's not the case.</p> <p>23 Q. No. That's not what I meant. That's not what I</p> <p>24 meant. I just meant you could be dealing with someone</p> <p>25 who's able to advocate for themselves and tell a clear</p>	<p style="text-align: right;">Page 32</p> <p>1 make a determination because, as you stated, okay,</p> <p>2 this person seems to be together, they seem to be able</p> <p>3 to communicate their point, they seem to be telling us</p> <p>4 their version of the facts, they seem to be credible,</p> <p>5 they seem to be reliable, we're interviewing them, the</p> <p>6 prosecutor's interviewed them, this and that, when</p> <p>7 they don't say anything, you know, that anything off</p> <p>8 the wall happened, that the jail's deficient in some</p> <p>9 way, shape, or form, you're not going to automatically</p> <p>10 assume that somebody failed somewhere.</p> <p>11 Q. Okay. How about -- okay. Automatically assume? I</p> <p>12 thought your job was to be looking for evidence.</p> <p>13 A. And if there's no evidence leading you down the rabbit</p> <p>14 hole, you don't go.</p> <p>15 Q. Okay. So let's ask it this way. Do you have a</p> <p>16 responsibility in IA to enforce a whole series of</p> <p>17 rules and regulations and standards and expectations</p> <p>18 that are unique to the jail staff?</p> <p>19 A. I would say yes, but I want to clarify that when you</p> <p>20 say enforce, the role in IA would be to report those</p> <p>21 and then it would be up to discipline, up to and</p> <p>22 including the sheriff, to enforce.</p> <p>23 Q. Okay.</p> <p>24 A. So we're not judge, jury, executioner. We are --</p> <p>25 Q. Investigators.</p>
<p style="text-align: right;">Page 31</p> <p>1 story. You could also be dealing with someone with</p> <p>2 some real -- I mean, you know, that doesn't know what</p> <p>3 to say or how to get help for themselves. You must</p> <p>4 have experienced that; right?</p> <p>5 A. Yes.</p> <p>6 Q. People who genuinely have been victims of crime who</p> <p>7 are not the best communicators; right?</p> <p>8 A. Yes.</p> <p>9 Q. And still your job, and the IA department, it's not</p> <p>10 just your job, but the job of the IA department is to</p> <p>11 get to the truth; right?</p> <p>12 A. Yes. Follow the evidence where it leads.</p> <p>13 Q. And also to root out violations of policies and rules</p> <p>14 and laws; right?</p> <p>15 A. Yes.</p> <p>16 Q. You're not depending on Joe Guy, who's a prisoner, to</p> <p>17 do all the things you need to do to make sure the</p> <p>18 department is following its rules and regulations, are</p> <p>19 you?</p> <p>20 A. Within reason. Because I see the rabbit hole you want</p> <p>21 to go down here.</p> <p>22 Q. Okay.</p> <p>23 A. That's not the case. Because you're counting on the</p> <p>24 jail command to be responsible for running their</p> <p>25 facility. And so when we interview somebody and we</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Yes.</p> <p>2 Q. And in a good investigation, you have to be open to</p> <p>3 lots of possibilities; right?</p> <p>4 A. Yes.</p> <p>5 Q. And you have to be willing to entertain all kinds of</p> <p>6 possibilities at least to see where the evidence might</p> <p>7 go; right?</p> <p>8 A. You follow the evidence where it leads you.</p> <p>9 Q. Okay. And it's not just that. You don't just come in</p> <p>10 and say, guy who's sitting in a cell, tell us what you</p> <p>11 feel like; right? And then you just take their</p> <p>12 evidence. You actually have an interview that's run</p> <p>13 by a trained investigator; right?</p> <p>14 A. Yes.</p> <p>15 Q. And that trained investigator goes through specialized</p> <p>16 training to learn how to explore different</p> <p>17 possibilities; right?</p> <p>18 A. Yes.</p> <p>19 Q. And not just to assume one thing happened but to, you</p> <p>20 know, explore different potential issues; right?</p> <p>21 A. Within reasons. You're not going to -- you're not</p> <p>22 going to make the narrative fit what you want it to</p> <p>23 fit. You fit what is provided to you.</p> <p>24 Q. What's provided to you. Well, let's -- it seems like</p> <p>25 you're -- let's get to the heart of it. You're aware</p>

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<p style="text-align: right;">Page 34</p> <p>1 that your investigator asked not one single question 2 about what was going on with the jail staff when the 3 rape occurred of Solomon – of Burks by Solomon; 4 right? 5 A. I'm aware that Mr. Burks did not say that anything 6 negative about the jail staff. 7 Q. Did you hear my question? 8 A. Yes. 9 Q. My question was, you're aware that your investigator 10 didn't even ask a single question about what the staff 11 was doing or not doing that night, aren't you? 12 A. Yes. 13 Q. Okay. And when did you become aware of that? 14 A. Through your questioning. I can tell where you're 15 going. 16 Q. Okay. So all the way up until today and sitting here 17 you did not know that your investigator didn't even 18 ask a single question about what the staff was doing? 19 A. Mr. Burks said he was raped. He told the officers. 20 The officers wrote the reports. They got him moved. 21 They got him medical attention. They got him help. 22 It was reported to IA. We prosecuted the case. They 23 did everything they were supposed to do. 24 Q. I'm going to ask my question again. All the way up to 25 now where you surmise from questions, I guess, what</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. And you're not troubled by it, are you? 2 A. Your job is to try to poke holes – 3 Q. Are you troubled by it? 4 A. I'm troubled by it and I'll tell you why I'm troubled 5 by it. Because your job is to poke holes in an 6 investigation that did exactly what it is supposed to 7 do, take a victim who's been wrongfully victimized, 8 report it, get him help, get him medical treatment, do 9 everything he's supposed to do, keep him safe, do what 10 he was supposed to do. 11 Q. Kept him safe? You think your investigation kept him 12 safe? 13 A. If he hadn't been moved that day, how many – 14 Q. You kept him safe after he was raped. I got it. 15 A. You didn't even let me finish my answer. 16 Q. All right. Go ahead. 17 A. We don't have a crystal ball. We don't know what's 18 going to happen. Let's say the officers didn't move 19 him that day, didn't do anything. How many days could 20 he have been victimized? How – could he have been 21 possibly killed? We don't have a crystal ball to know 22 what would have happened in the future. When the 23 officers became aware of it, they reported it. My 24 detective interviewed, did the warrant request, 25 presented it to the prosecutor's office. They</p>
<p style="text-align: right;">Page 35</p> <p>1 may have happened, you're telling me as the head of IA 2 you didn't know your officers didn't ask a single 3 question about the policies, the procedures, the 4 activities, or the omissions of what the officers were 5 doing on the night of the rape; is that right? 6 A. I know you're trying to poke holes in their 7 investigation. If there's not evidence to lead them 8 there, they would not ask these questions. 9 Q. I'm going to ask it again. 10 A. Just like if I asked you today did you beat your 11 children? I don't have any evidence that leads me to 12 believe you've beaten your children, so I'm not going 13 to ask you that question. It's not appropriate. 14 Q. But it's appropriate to just use it as a hypothetical? 15 A. I'm using it as an example. 16 Q. Let's go back to my question for the third time. 17 Asking to strike that last answer. My question is, is 18 it your testimony that up until sitting here and 19 whatever you assume or surmise, you did not know, all 20 I'm asking is what you knew, not what other people 21 did, you did not know that your officers in IA did not 22 ask a single question about the activities or 23 omissions of the security staff on the night of the 24 rape? 25 A. No. I didn't know that.</p>	<p style="text-align: right;">Page 37</p> <p>1 prosecuted the case and got a criminal conviction in 2 this matter. 3 Q. I heard you. 4 A. Justice worked that way. Where it's not working is 5 now you're trying to say that what they did isn't good 6 enough. That – 7 Q. So you're troubled by me? 8 MR. O'NEILL: Excuse me. Objection. The 9 witness has not finished answering. 10 BY MS. PRESCOTT: 11 Q. You're right. Go ahead. Go ahead. I don't think 12 you're answering the question, but ... 13 A. It's easy to sit there and try to fit the narrative to 14 what you want it to be – 15 Q. You think this is easy? 16 A. – instead of what actually occurred. It's easy to 17 try to poke holes in what somebody else did when 18 they're not the ones actually doing it. 19 Q. All right. Go ahead. 20 A. They actually got a criminal conviction for a CSC 21 against a man who committed a CSC against him. 22 Q. You think – who committed a CSC? 23 A. Solomon. CSC Burks. 24 Q. Against a man who committed a CSC against him? 25 A. We got a criminal conviction against Solomon for</p>

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<p style="text-align: right;">Page 38</p> <p>1 sexually assaulting Burks.</p> <p>2 Q. Yeah. We –</p> <p>3 A. Once we became aware of it and did it.</p> <p>4 Q. Except you didn't, right?</p> <p>5 A. Solomon did it.</p> <p>6 Q. Except you didn't get any conviction in your jail;</p> <p>7 right? Earlier you wanted to make this</p> <p>8 differentiation between – okay.</p> <p>9 A. Okay. You want a conviction in the jail? Was there a</p> <p>10 disciplinary report filed on Martin Solomon and did</p> <p>11 the hearing officer convict him and impose any</p> <p>12 sanctions? Do you have that information?</p> <p>13 Q. No, they didn't. He was housed with whoever.</p> <p>14 A. It has nothing to do with housing. I'm asking about</p> <p>15 were there sanctions? Did he lose any sanctions or</p> <p>16 privileges at all? Was his classification level</p> <p>17 changed? Did anything like that occur?</p> <p>18 Q. No. No.</p> <p>19 A. I mean, I don't know what criminal –</p> <p>20 Q. Does that surprise you?</p> <p>21 A. I don't know what conviction the jail got</p> <p>22 disciplinary-wise, but, I mean, I know we did the</p> <p>23 criminal aspect of it.</p> <p>24 Q. Does it surprise you to know there was no discipline?</p> <p>25 A. No. I'm asking you simply if there is or not.</p>	<p style="text-align: right;">Page 40</p> <p>1 protect people and keep people safe and protect them</p> <p>2 and provide the best security that we possibly can.</p> <p>3 Unfortunately in this case something happened. I wish</p> <p>4 I could go back and change it.</p> <p>5 In the early '90s when I was a deputy at</p> <p>6 Jail Division 2, it was either the mid or late '90s, I</p> <p>7 actually went in and physically intervened and stopped</p> <p>8 a sexual assault on a known protect ward where I had</p> <p>9 to physically grab another man and remove him, pull</p> <p>10 him out from inside of another man. I've seen it</p> <p>11 happen. I have nightmares about it. I've lived</p> <p>12 through it. I have physically placed my body on the</p> <p>13 line to stop those types of behaviors. I've spent all</p> <p>14 of my time in Internal Affairs trying to stop those</p> <p>15 types of behaviors. We've prosecuted inmates. We've</p> <p>16 prosecuted staff and gotten criminal convictions</p> <p>17 against staff for engaging in sexual activity with</p> <p>18 inmates. We've prosecuted staff and gotten criminal</p> <p>19 convictions against staff for physically abusing and</p> <p>20 assaulting physically inmates. We take these matters</p> <p>21 very seriously.</p> <p>22 While I was in charge of Internal Affairs I</p> <p>23 was responsible for over a hundred resignations or</p> <p>24 terminations due to staff misconduct in the nine to</p> <p>25 almost ten years that I was there. I've lived my</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. There isn't. His classification didn't change. And</p> <p>2 when they sent him – when your jail sent him to MDOC</p> <p>3 after determining probable cause that he raped someone</p> <p>4 in your facility, they marked him as no red flags, no</p> <p>5 concerns, nothing to know, MDOC. Does that surprise</p> <p>6 you?</p> <p>7 A. I don't really know what goes on with classification</p> <p>8 when somebody rides out and what we supply and what we</p> <p>9 do not, so I don't really have an answer for that.</p> <p>10 Q. Okay. So my question was, are you troubled by the</p> <p>11 concept that there would be not a single question</p> <p>12 asked of my client of did you see staff, were they by,</p> <p>13 did you ask for help, where were they, did you see</p> <p>14 rounds? Anything to do with the floor security staff.</p> <p>15 I asked if you were troubled.</p> <p>16 A. I'm not troubled by that.</p> <p>17 Q. I didn't think you would be. But I didn't understand</p> <p>18 your last answer. Instead what your answer was was</p> <p>19 you're troubled that I'm asking these questions</p> <p>20 because it's trying to poke holes. That's troubling</p> <p>21 to you, right? Because it's so easy for me? Is that</p> <p>22 what your point was?</p> <p>23 A. Look, I'm not trying to make this personal. I</p> <p>24 understand you have a job to do. Your job is to try</p> <p>25 to win money from us. Our job is to just try to</p>	<p style="text-align: right;">Page 41</p> <p>1 life – some of the proudest work that I've ever done</p> <p>2 is when I was in charge of Internal Affairs. I've</p> <p>3 spent a career. I've taught on this subject. I still</p> <p>4 teach on this subject occasionally. I take it very</p> <p>5 seriously, and I do everything that I can, as do –</p> <p>6 does everyone else in the jail. We place our own</p> <p>7 lives on the line. It's that – Jail Division 2 is</p> <p>8 the only jail where we've had two officers murdered in</p> <p>9 it. We take every action that we can possibly take to</p> <p>10 make it as safe as we possibly can. Sometimes things</p> <p>11 happen. So what do you do? You deal with it the best</p> <p>12 you can upon finding out about it, and we did that in</p> <p>13 this case.</p> <p>14 Q. You think that this investigation was the best you</p> <p>15 can? You did the best –</p> <p>16 A. Nothing could take sexual assault back.</p> <p>17 Q. No. I'm talking about the investigation after the</p> <p>18 fact. You did the best job with the sexual assault?</p> <p>19 A. We followed the evidence where it led.</p> <p>20 Q. Okay. But without asking even a single question about</p> <p>21 what the jail situation could have been, you followed</p> <p>22 the evidence; is that –</p> <p>23 MR. O'NEILL: Objection. Asked and</p> <p>24 answered.</p> <p>25 BY MS. PRESCOTT:</p>

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<p style="text-align: right;">Page 42</p> <p>1 Q. I guess you don't know that because you weren't aware 2 until now, right? 3 MR. O'NEILL: Objection. Asked and 4 answered. And vague. Compound. I don't know what 5 the question is. There's several questions in there. 6 BY MS. PRESCOTT: 7 Q. I mean, you can't really say whether this was the best 8 you could have done because you haven't even read or 9 listened to the interviews, right? 10 A. We have a criminal conviction in this matter. 11 Q. Okay. And that really gets to the heart of it. If 12 you put someone away for the sexual assault, then that 13 must mean you've done your job even if you don't take 14 any time or attention or ask a single question of how, 15 let me finish, how breakdowns in the jail functioning 16 itself could have contributed to the conditions that 17 allowed the rape to happen? 18 A. We do look for breakdowns in the jail situation, but 19 if nobody tells you that anything occurred, you have 20 no lead to follow. 21 Q. Okay. So it was up to Johnathan Burks to know what 22 your policies all say so that he could bring it 23 forward? 24 A. No. No. 25 Q. Okay. So let's turn away from Johnathan Burks and the</p>	<p style="text-align: right;">Page 44</p> <p>1 robbed. You know nothing about it. Am I going to 2 say, well, did she know you got robbed? I mean – 3 Q. I don't understand your – 4 A. If the officers had known something would have 5 occurred, had occurred, they would have reported it. 6 They didn't. I mean, as I sit here I don't know that 7 they were asked. 8 Q. Your officer knows that a rape is alleged to have 9 occurred in conditions of confinement where the job – 10 the whole job of the floor security people is to keep 11 people safe and prevent injury to themselves and to 12 the staff, right? That's what's the setup here. 13 A. Yep. 14 Q. Someone says a crime occurred and you're like, wow, 15 that's interesting because we had two sworn officers 16 whose whole job it was to prevent something like 17 that. That's the setup. Doesn't it strike you as 18 strange that the people whose job it was – and I say 19 two because it was two on afternoons and it was two 20 later on midnights, so it's – you know, overnight 21 there were four. Doesn't it strike you as strange 22 that no one would go to them and say did you hear 23 something, did you see something, where were you, was 24 there any disturbance, what did you observe about the 25 countenances of the people? Does that not strike you</p>
<p style="text-align: right;">Page 43</p> <p>1 fact that he wasn't asked any questions. Are you 2 aware that not a single question was ever asked of any 3 floor security staff who were on duty the night of the 4 rape ever? 5 A. They filed reports. 6 Q. No, they didn't, sir. You're not aware of that? 7 A. They didn't write police reports? 8 Q. That's right. 9 A. Wait a minute. You're not talking about the officers 10 that reported it. You're talking about the officers 11 that were working when the alleged incident occurred? 12 Q. Yeah. 13 A. Oh, okay. Then I'll withdraw that. Yeah. I – 14 Q. Are you aware that none of them ever were asked a 15 single question? 16 A. I may have been at some point. I don't know as I sit 17 here today if I was aware of that or not. 18 Q. Are you aware, I guess you are for my question, that 19 none of them was asked to do a 99 or – I mean, an 83 20 wouldn't be right, but none of them was asked to even 21 write a statement either? 22 A. I didn't know that, but I also would offer that if 23 nobody said anything that leads to them – 24 Q. But you just – 25 A. Again, you're a teller at a bank. This teller gets</p>	<p style="text-align: right;">Page 45</p> <p>1 as strange? 2 A. You don't know what you don't know. And that's the 3 problem. 4 Q. I'm asking about an investigation in your department. 5 A. Um-hmm. 6 Q. Does it seem unusual that no one would go to the 7 people whose whole job it was to supervise and not ask 8 them while you were supervising what did you see? 9 A. I'm going to say no. Now, have the inmates said, hey, 10 I told them and they didn't do anything or 11 something – 12 Q. Yeah. 13 A. – like that that would give you reason to go back? 14 Then yes. But absent something – it's like if I 15 don't notice a window's broken, hey, did you know this 16 window was broken? Well, no. If I did, I would have 17 told you. I mean, it's – 18 Q. Does your investigator when he's talking to my client, 19 does he have a job to do to see whether a crime has 20 occurred by the alleged rape? That's a pretty obvious 21 answer. He has that job to do, right? 22 A. He is following up on the facts and he's going to 23 request a warrant. 24 Q. Can you answer my question? One of the things he's 25 supposed to do is figure out is there a basis to think</p>

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<p style="text-align: right;">Page 46</p> <p>1 a crime occurred here, inmate-on-inmate violence?</p> <p>2 A. Yeah. Now, see the way you phrased it there, yeah. I</p> <p>3 would say yes. Because I don't want – like it's not</p> <p>4 our job to see if a crime occurred or not. We request</p> <p>5 a warrant. The prosecutor decides that a crime</p> <p>6 occurred or not.</p> <p>7 Q. I hear you.</p> <p>8 A. And that's a huge distinction for me. That's why I</p> <p>9 answered differently this time.</p> <p>10 Q. Okay. And then another thing he's supposed to be</p> <p>11 doing is he's supposed to be helping protect the</p> <p>12 environment itself, the system itself, by determining</p> <p>13 whether a breakdown could have occurred with regard to</p> <p>14 the rules and regulations of what the staff should</p> <p>15 follow; right?</p> <p>16 A. That can be part of his job, yes.</p> <p>17 Q. Was it part of his job with regard to Burks?</p> <p>18 A. I think it's part of his job at all times.</p> <p>19 Q. Okay. In what way did the investigator, I think it's</p> <p>20 Mr. Lawson, assess in any way, shape, or form that</p> <p>21 part of his job, his responsibility to figure out</p> <p>22 could there have been a breakdown on our end?</p> <p>23 A. I'm saying nothing led him to believe that there was a</p> <p>24 breakdown because there was nothing reported to him by</p> <p>25 the inmate that led to this. Now, you're going to</p>	<p style="text-align: right;">Page 48</p> <p>1 approach is Whac-A-Mole of like let's get this</p> <p>2 prosecution after this thing happened, you could miss</p> <p>3 opportunities to actually prevent the next situation?</p> <p>4 Do you see that concern?</p> <p>5 A. I understand that concern, but do you understand my</p> <p>6 concern? That someone who's highly trained and</p> <p>7 skilled and educated to go around and find</p> <p>8 deficiencies, shortcomings, errors, problems, issues,</p> <p>9 you can make an argument for anything. I could sit</p> <p>10 here and walk through this building and find all kinds</p> <p>11 of physical hazards that maybe you could trip over,</p> <p>12 maybe it could be a fire hazard, maybe it could this,</p> <p>13 maybe it could that. We followed the evidence that</p> <p>14 was presented to us. We could spend all day long</p> <p>15 running around chasing, playing Whac-A-Mole, just like</p> <p>16 you said, well, this could lead to this and this could</p> <p>17 lead to this. We don't have a crystal ball. We do</p> <p>18 the absolute best that we can in an environment that</p> <p>19 is very difficult and we take every precaution and</p> <p>20 every safety measure that we can possibly do, an</p> <p>21 incredibly difficult decision putting our own lives in</p> <p>22 danger and in jeopardy, and now, again, you want to</p> <p>23 ask, well, why didn't we do this, why didn't we do</p> <p>24 that. You can only do what you can do. You don't</p> <p>25 have a crystal ball. And I don't know what Chris</p>
<p style="text-align: right;">Page 47</p> <p>1 say, well, no, that's not good enough, but, I mean,</p> <p>2 that's my answer.</p> <p>3 Q. So my question was, what did Lawson do – you just</p> <p>4 said one of his jobs was to figure out if there was a</p> <p>5 problem with the department itself.</p> <p>6 A. So now you're asking me to speculate what Chris Lawson</p> <p>7 was thinking in his mind while he was interviewing</p> <p>8 this man.</p> <p>9 Q. What you know that he did or didn't do.</p> <p>10 A. I know he interviewed him.</p> <p>11 Q. Do you know anything he did to try to figure out</p> <p>12 whether or not the department had violated any rules,</p> <p>13 any regulations, you know, it or its staff had</p> <p>14 violated any expectations?</p> <p>15 A. I don't know what was in his mind.</p> <p>16 Q. Do you know anything he did in that regard?</p> <p>17 A. I don't know what he may have followed up on or what</p> <p>18 was in his mind or whatever. I mean, I know he did</p> <p>19 the warrant request. He got a criminal conviction.</p> <p>20 He filed a report. The report was turned in. It</p> <p>21 would have been reviewed.</p> <p>22 Q. Do you see my concern that – I mean, can you at least</p> <p>23 understand the concern that instead of looking for</p> <p>24 problems that are within the department that could</p> <p>25 contribute to unsafe conditions, if instead your</p>	<p style="text-align: right;">Page 49</p> <p>1 Lawson did. I don't know what he was thinking. I</p> <p>2 don't know why he was asking him was he thinking about</p> <p>3 this over here or looking at this and maybe there was</p> <p>4 nothing to follow so he didn't. I'm not him. I</p> <p>5 wasn't in his mind.</p> <p>6 Q. But you were his boss reviewing this. That's why I'm</p> <p>7 asking. Do you think he did a good investigation</p> <p>8 here?</p> <p>9 A. Yes. He got a criminal conviction on this matter.</p> <p>10 I'm not sure that I was the one reviewing it because</p> <p>11 it looks like it was turned in in 2019 when it was</p> <p>12 completed, the final package. I wasn't there.</p> <p>13 Q. Well, you were there for years after, including up to</p> <p>14 and after the probable cause.</p> <p>15 A. And I would have read the warrant request that he</p> <p>16 submitted to the prosecutor's office which I would</p> <p>17 have had to have approved or signed off on and I felt</p> <p>18 that that was adequate enough to present.</p> <p>19 Q. Okay. Here's my point, because I'm not sure you –</p> <p>20 the Whac-A-Mole might have been too –</p> <p>21 A. Far?</p> <p>22 Q. – too much of an analogy. You are very proud that</p> <p>23 there was a criminal conviction here. A crime is</p> <p>24 being punished. That is one aspect of what</p> <p>25 Mr. Lawson's job was is to seek out and get the</p>

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<p style="text-align: right;">Page 50</p> <p>1 information about the crime. And when he needed more 2 information, are you aware that he went back to my 3 client and said I have more questions for you? Did 4 you know that? 5 A. I didn't know that as I sit here. 6 Q. Okay. And he followed up and he said, oh, well, 7 Solomon says this or, oh, I need to – there's one 8 thing about, you know, why did you da da da, and he 9 would come back and he would ask his questions; right? 10 And then he got that conviction. 11 A. Um-hmm. 12 Q. And thankfully a rapist is – you know, the people saw 13 that there was a rape and they held him guilty and he 14 is being sentenced according to law. I'm focused on a 15 different question, and that is the systemic effort to 16 prevent the next and the next that may or may not have 17 been happening, and my question is, did Corporal 18 Lawson do a good job trying to figure out if there 19 were any problems within the department itself and the 20 floor security staff, their training or their 21 behaviors on the night of the rape? Did he do a good 22 job at that? 23 A. It sounds to me like from you just told me he did an 24 excellent job because apparently he followed up and 25 thought about other questions and things that he had</p>	<p style="text-align: right;">Page 52</p> <p>1 on this aspect. 2 A. And I'm saying based upon what you've told me where he 3 went back and asked follow-up questions, he absolutely 4 did. 5 Q. No. But you don't know what the follow-up questions 6 were. 7 A. You just described them to me, that he – the fact 8 that he had thought about it and went back. 9 Q. Since you don't know, let me fill you in further. He 10 went back and asked him questions about Mr. Solomon 11 and Mr. Burks and what happened. And my question for 12 you is, is it your testimony that he did just as good 13 a job trying to figure out whether Judy Bell or Keith 14 Williams might have done something wrong as he did 15 trying to figure out whether Martin Solomon did 16 something wrong? 17 MR. O'NEILL: All right. I'm going to 18 place an objection at this point. This is becoming a 19 debate and an argument, and the questions are 20 argumentative and the tone is argumentative, and I 21 would like the questions – place an objection on that 22 basis and ask that we get back on track to discover 23 facts and opinions that this witness is going to offer 24 at trial. 25 BY MS. PRESCOTT:</p>
<p style="text-align: right;">Page 51</p> <p>1 maybe missed and didn't think of at the time, so he 2 went back to your client and followed up on those 3 things, so it sounded like he was very attentive and 4 tuned in to this case. 5 Q. They were all questions about what Martin Solomon did. 6 A. And had there been anything that led him to believe my 7 assumption is to staff, he would have followed it up 8 because Chris Lawson – Chris Lawson is a detective 9 that criminally prosecuted five officers for 10 brutalizing multiple inmates in the Wayne County Jail, 11 and some of them even went to prison. Chris Lawson – 12 Q. Okay. Is that supposed to be some – I mean, that's 13 his job. 14 A. I wasn't done answering. You never let me finish. 15 Q. Okay. 16 A. I mean – 17 Q. Well, you're not really answering my question, but go 18 ahead. 19 A. Well, I'm trying to answer your question. Maybe you 20 just don't understand what I'm saying. 21 Q. No. I don't remember asking you did Chris Lawson ever 22 convict – 23 A. You asked me if he did a great job. I'm telling you 24 about his job. 25 Q. Yeah. I'm talking about on this. I'm talking about</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Go ahead. 2 A. Yes. 3 Q. And that's based on your belief in him or what? 4 Because I know you didn't listen to any of his 5 interviews and you didn't know he didn't ask any 6 questions. So what's that based on? 7 A. You haven't presented any evidence to where he was 8 deficient in some way. You haven't been able to point 9 to anything where they said, hey, he was told this and 10 he didn't act on it. Now, if you had that, I would 11 have assumed you would have already presented it. 12 Q. How can I present you that he didn't question 13 somebody? Do you want to see the deposition 14 transcript of Ms. Bell saying no one even asked her a 15 single question about this? 16 A. No. I don't want to see her deposition transcript, 17 but – 18 Q. That's the excellent job you're referring to is not 19 asking a single question? 20 MR. O'NEILL: Objection. You're 21 interrupting again. 22 A. Apparently you want to testify and not me. 23 BY MS. PRESCOTT: 24 Q. Well, I'd like to get answers to my questions. 25 MR. O'NEILL: But you're interrupting the</p>

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<p style="text-align: right;">Page 54</p> <p>1 witness before he's done answering. 2 BY MS. PRESCOTT: 3 Q. Do you have any more to your last answer? 4 A. I had something in my train of thought, but I lost it, 5 so no. Not at this point. 6 Q. It's an excellent job not to ask Judy Bell what 7 happened that night? 8 A. I don't remember what it was. 9 Q. Okay. You said you take these things very seriously. 10 Is it taking it very seriously not to ask the guards 11 whose job it was to supervise the situation, what they 12 saw, what they did? 13 A. I've answered this multiple times. If there's no 14 evidence to implicate that they have done something 15 wrong – you don't know what you don't know. 16 Q. Okay. So is your point that it's my client's fault 17 that he was more worried about his rapist than he was 18 about whether procedure one, two, three in the policy 19 book was violated? 20 A. No. That's not my answer. It's not your client's 21 fault. What I am saying is the incident occurred. We 22 prosecuted it. We got a criminal conviction. We 23 followed our guidelines. We got him medical 24 treatment. We did everything we were supposed to do. 25 I've said it's unfortunate that this incident occurs.</p>	<p style="text-align: right;">Page 56</p> <p>1 the witness any of them. So I object. 2 BY MS. PRESCOTT: 3 Q. Go ahead. 4 A. Yeah. I'm not saying I agree with your assumptions or 5 your statements of fact. But, I mean, we do rely on 6 the jail to supervise and monitor the officers' 7 activity, and you are relying on evidence or 8 accusations, statements, something to lead you to a 9 potential deficiency, and absent that, again, you 10 could run around digging holes all day long everywhere 11 you go and coming up with nothing. That's not a good 12 use of resources. I've got other issues and other 13 things that I need to be dealing with to where I can't 14 just take one case and ignore all the other cases and 15 just follow every possible solution of, you know, did 16 aliens come down and abduct him. If there's no 17 evidence leading you there, you don't go there. 18 Q. And there can't be evidence leading you there so that 19 you can go there acting against your own officers if 20 no one asks them if they might have been asleep that 21 night or not paying attention; right? 22 A. That is your assumption and opinion because you want 23 to paint them in a negative light. If you painted 24 them in a positive light that had they done something 25 wrong or were derelict in their duty in some way,</p>
<p style="text-align: right;">Page 55</p> <p>1 But now you're saying, well, you did A, B, C, D, and E 2 but I think you could have done G better so that we 3 should have done that. I'm not saying it's his fault, 4 but it's definitely not my staff's fault and it's 5 definitely not our officers' fault. We are – look, 6 this is all about deliberate indifference. We care. 7 We've always cared. We do not have a systemic sexual 8 assault problem in this agency. We have always been 9 at the forefront of trying to prevent and respond to 10 these types of issues and we do. 11 Q. Okay. So let's talk about all the investigations 12 before my client. How come staff are – there are no 13 interviews of the staff on scene when harassment and 14 assault are reported in general? This isn't just 15 Mr. Burks and Mr. Solomon and what Corporal Lawson 16 did. How come when I look back at all of the CSC 17 allegations in this jail prior to August of 2016 18 systematically there is no effort to question the 19 security staff who were supposed to be there at the 20 time to determine whether or not they were following 21 expectations and rules and approved practice? 22 MR. O'NEILL: Objection. You're asking 23 this – that's vague and it's an improper question in 24 the form. It's asking questions about multiple 25 apparently CSC investigations and you're not showing</p>	<p style="text-align: right;">Page 57</p> <p>1 shape, or form that they would respond correctly and 2 appropriately. 3 Q. Well, people have said – I mean, here's why I ask it. 4 You know, you know and I know the people of the State 5 of Michigan have said that a rape occurred on the 6 watch of these people, so something went wrong, 7 something that according to your testimony, and I take 8 it for completely true and valid, you don't want rapes 9 to be happening in your system. Of course not. I 10 don't assume you do. So something went wrong, and the 11 people have spoken and said it did, and you guys knew 12 it did well before that. You knew it. You had the 13 warrant request and you had probable cause. So when 14 something has gone wrong, I just want to understand is 15 it your testimony that it's not a good use of 16 resources to go back and say, okay, guys, obviously 17 bad things can happen from time to time, but this was 18 a big one, this was a rape, what could we have been 19 doing differently? Let's look at what the officers 20 there were doing and weren't doing. That's not a bad 21 use of resources, is it? 22 A. No. That's not my testimony that it is a bad use of 23 resources. What I'm saying is we did what we have 24 always done. We take these matters seriously. We 25 handle them. We get medical attention. We separate</p>

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<p style="text-align: right;">Page 58</p> <p>1 them. We criminally prosecute. We attempt to 2 convict. We do all of the things that we do. If 3 there is a deficiency that the evidence has led us to, 4 we follow up on that and we review it and we act on 5 it, and we've done that in the past. What you're 6 trying to say is that we are not perfect, and no, we 7 are not perfect, and that's completely different than 8 deliberately indifferent. 9 Q. That's not what I'm trying to say. 10 A. I'm sure that in hindsight it would be wonderful if I 11 could go to everybody on every floor where everything 12 happened and say, hey, did you see anything, did you 13 see anything, did you see anything, but we – that's 14 why we rely on officers to report what they see, hear, 15 notice, smell, witness, you know, anything. We can't 16 just assume, oh, well, they should have asked this 17 question and they should have done this. Anybody can 18 poke a hole at anything at any time. Your boss could 19 listen to this deposition and say, oh – 20 Q. I don't have a boss, sir. Thank you. 21 A. Well, I'm sure there's some appellate judge somewhere 22 that could listen and say, hey, this lawyer should 23 have asked this question or done this question or this 24 or that, because we all have those deficiencies. We 25 all have those areas where could something have been</p>	<p style="text-align: right;">Page 60</p> <p>1 or a sexual harassment allegation when they're the 2 floor security staff that were in the area? 3 A. No. 4 Q. Is there a policy that says they should? 5 A. No. 6 Q. Was there a practice of the department up to 7 August 2016 of examining the role in any way, shape, 8 or form of floor security staff who are supervising 9 individuals when a CSC is alleged to have occurred? 10 A. Is there a practice of what? I'm sorry. 11 Q. It was a long question. Prior to August 2016 was 12 there a practice – first let me just make it – 13 hopefully – it's a long question but it makes it 14 easier. So I asked you if there are policies to do – 15 either to ask or not to ask and you said no. So now I 16 wanted to talk about practice. So practice before 17 August 2016. Was there a practice of questioning 18 floor security staff who would have been assigned in 19 areas where a CSC or a sexual harassment or assault 20 would have been alleged to occur? 21 A. I can't say that it's a practice. Investigations are 22 like artwork. They're not a science. They're an art. 23 So you – you know, it's like people say the 24 sculpture's in the rock. You follow the evidence, the 25 information where it goes. So if it's necessary, you</p>
<p style="text-align: right;">Page 59</p> <p>1 done better. Absolutely it could. I'm not immune to 2 that. Detective Lawson's certainly not immune to 3 that. 4 Q. Okay. Good. So you guys aren't immune to that. So 5 why are you so resistant to the concept of, hey, Bell, 6 Williams, get over here, there was a rape, you were 7 here that night, let's talk about what could have been 8 done better? 9 A. I'm not – 10 Q. Just what could have been done better? 11 A. I'm not resistant to that. 12 Q. Okay. So you're open to that? 13 A. What I'm resistant is you're saying that Corporal 14 Lawson is wrong because he didn't do that or I'm wrong 15 because I didn't tell him to do that. 16 Q. Did the jail division staff do that ever? 17 A. I don't know. 18 Q. Okay. 19 MR. O'NEILL: Let's take a break for a 20 minute. 21 (Recess taken at 10:17 a.m.) 22 (Back on the record at 10:20 a.m.) 23 BY MS. PRESCOTT: 24 Q. Is there a policy somewhere that says that officers 25 shouldn't be questioned when there's a CSC allegation</p>	<p style="text-align: right;">Page 61</p> <p>1 do it. If it's not necessary, you don't. You don't 2 make something – something that's not there. 3 Q. And are you – I assume you don't have any criticism 4 of Internal Affairs investigators who would not be 5 asking for security staff, you know, hey, there was an 6 alleged, you know, groping or sexual assault and they 7 don't talk to the floor security staff? You haven't 8 ever disciplined or said that's not the way to do it 9 or that's not appropriate or you should have been 10 asking those questions, have you? 11 MR. O'NEILL: Objection. Form. Again, 12 same as before. The question asks about so many 13 investigations. 14 A. I can't say that's accurate because, I mean, I would 15 call my detectives in all the time and talk to them 16 about things that were done and – or weren't done or 17 should have been done or shouldn't have been done or 18 the way that they had been done, so, I mean, it is – 19 it is. You know, we do – we do monitor and review 20 and we try to make everybody better and each other 21 better constructively. So can I sit here and say that 22 I've never done it? No. 23 BY MS. PRESCOTT: 24 Q. Do you train IA officers that they should be asking 25 for security staff, what happened, what they saw, what</p>

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<p style="text-align: right;">Page 62</p> <p>1 they didn't see when an alleged sexual assault occurs?</p> <p>2 A. It's a case-by-case basis. If there's something that</p> <p>3 leads you to go there, then absolutely you should be</p> <p>4 doing it.</p> <p>5 Q. What is -- isn't there a value in your line of work to</p> <p>6 having, even if it's just a zero report, like I got</p> <p>7 nothing, to record that at the time? So going back to</p> <p>8 Bell or Williams. Did you see anything? No, I didn't</p> <p>9 see anything. Isn't there a value to having a</p> <p>10 memorialized record of the people who are there?</p> <p>11 A. They do their JMS entry logs.</p> <p>12 Q. Okay. But I'm asking about, hey, there's been an</p> <p>13 alleged rape let's say. You were on duty. You were</p> <p>14 doing rounds. You were there. Isn't there a value in</p> <p>15 memorializing even if they saw nothing so that you</p> <p>16 have for your records?</p> <p>17 A. It depends on the circumstances. It depends on the</p> <p>18 evidence. If the inmate had said, hey, I told them</p> <p>19 and they did nothing about it, then absolutely.</p> <p>20 Q. If the what?</p> <p>21 A. If the inmate had said, hey, I told them and they</p> <p>22 didn't do anything about it, then absolutely.</p> <p>23 Q. Is there a reason Mr. Lawson didn't ask my client did</p> <p>24 you ask for help or did you tell any officers about</p> <p>25 this?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Finding out who was where when.</p> <p>2 A. Yes.</p> <p>3 Q. Did Bell or Williams or Seals or Lee, the four</p> <p>4 officers who were on duty the night of the rape, did</p> <p>5 they all carry out all their duties according to</p> <p>6 expectation of the department?</p> <p>7 A. I have no idea.</p> <p>8 Q. Did you ever know?</p> <p>9 A. It's not what I was tasked to investigate. The jail</p> <p>10 command would be in charge of supervising them.</p> <p>11 Q. Is there a reason why your department, the IA folks,</p> <p>12 did not routinely connect with jail command when there</p> <p>13 would be an allegation of sexual assault to</p> <p>14 postmortem, you know, these very issues, okay, you</p> <p>15 guys are in charge, I think you said you rely on them</p> <p>16 to supervise, and we're looking at, you know,</p> <p>17 enforcement -- or not enforcement, but a detection of</p> <p>18 rule violations, so let's connect and talk about the</p> <p>19 Burks case or -- or the Jones case or whatever the</p> <p>20 sexual assault claims are?</p> <p>21 A. Your statement of fact is inaccurate because we</p> <p>22 actually would talk. Me and the commanders would</p> <p>23 meet, and we would talk about different aspects. If</p> <p>24 something occurred that I felt was an issue or</p> <p>25 whatever, I could call them up and talk to them. We</p>
<p style="text-align: right;">Page 63</p> <p>1 A. When you interview somebody, you get them talking and</p> <p>2 you get them to give you the information. Now, you</p> <p>3 may ask follow-up questions. You may ask clarifying</p> <p>4 questions. You may do a number of things. But an</p> <p>5 ethical investigator doesn't want to lead somebody</p> <p>6 down a path that's going to make them admit to</p> <p>7 something they maybe haven't done. So part of it is</p> <p>8 as much as you don't want to revictimize the victim,</p> <p>9 I'm not going to sit here and throw up all kinds of</p> <p>10 things to say, oh, well, so how many times did the</p> <p>11 officer come in and punch you in the face? You take</p> <p>12 the statements that he gives you, that they give you</p> <p>13 and you follow them where they go.</p> <p>14 Q. You keep using this example of did I abuse my kids</p> <p>15 this morning or did the court reporter rob a bank or,</p> <p>16 you know, did someone punch someone in the face, but</p> <p>17 there was an actual rape that occurred here, --</p> <p>18 A. Yes.</p> <p>19 Q. -- so it wasn't just creating facts. It was trying to</p> <p>20 understand who was where when. That's your job;</p> <p>21 right?</p> <p>22 A. And the facts that were reported were --</p> <p>23 Q. Can I get an answer to my point? That's a core job;</p> <p>24 right?</p> <p>25 A. What is a core job?</p>	<p style="text-align: right;">Page 65</p> <p>1 would have lunch. We would do all kinds of things.</p> <p>2 In this particular case I imagine that conversation</p> <p>3 would have gone like, hey, this guy Mr. Burks says</p> <p>4 that Solomon raped him, so we're prosecuting him.</p> <p>5 What else do I have to go on? Because he doesn't</p> <p>6 allege that anything else occurred. He didn't even</p> <p>7 allege anything else occurred in his criminal trial.</p> <p>8 Q. So you're not aware -- have you read his testimony?</p> <p>9 A. At some point I must have because I do --</p> <p>10 Q. So you're not aware that he --</p> <p>11 A. -- because I do recall that he did not make any</p> <p>12 statement about notifying the deputies in his criminal</p> <p>13 trial of Mr. Solomon.</p> <p>14 Q. You really want to sit here and testify to that?</p> <p>15 That's what you think happened?</p> <p>16 A. Yeah. That's my recollection of it.</p> <p>17 Q. Okay. So you're not aware that he testified that he</p> <p>18 specifically called out for help and tried to wave a</p> <p>19 kite and wave over an officer?</p> <p>20 A. That's different than saying I told an officer what</p> <p>21 had occurred. Again, that's a misstatement of the</p> <p>22 facts.</p> <p>23 Q. But you do recall that he tried to wave over an</p> <p>24 officer and get help after he'd been raped and said</p> <p>25 that the officer ignored his pleas for help?</p>

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<p style="text-align: right;">Page 66</p> <p>1 A. I don't know about waving out for an officer, but I 2 recall something about him saying that he yelled. 3 Q. Do you recall him saying he was waving out – or that 4 he was in any way trying to flag down an officer for 5 assistance after he'd been raped and was ignored? 6 A. I do not recall that. 7 Q. That would be troubling if that happened, wouldn't it? 8 A. It depends. 9 Q. Okay. 10 A. Is the officer – did the officer see it? Was the 11 officer in location where he could see it or hear it? 12 I mean, all of these things are not in evidence. 13 Q. Definitely. Definitely. So when you read that – did 14 you read that or did you not? I don't remember. 15 A. I recall somewhere – 16 Q. Okay. Good. 17 A. – about him stating – him not stating – there was 18 no statement on the record of him in trial that he had 19 told an officer. It's not like he said, hey, I told 20 Bell or I told – you know, I don't even know what the 21 other guy's name is, but there was no record of that. 22 Q. So you do or you don't recall that he testifies that 23 he – because you just said he never even testified to 24 it, and I went you don't know? 25 A. I was –</p>	<p style="text-align: right;">Page 68</p> <p>1 A. On this particular case? 2 Q. In general. Is that contrary to what you would say? 3 A. I'm trying to recall if there was a time I ever spoke 4 to her about any cases. Yeah. I don't recall if I 5 ever spoke to her or not. I mean, there were 6 commanders that I did speak to about different cases. 7 Some are coming to mind, but I believe the one I'm 8 specifically thinking of was at Jail Division 1, so 9 maybe she was at 2. 10 Q. And am I correct that she wouldn't have gotten any 11 feedback about Solomon and Burks while it was an 12 active IA investigation up to April of 2019? 13 A. If there was something – like there are times during 14 an IA case, because you do keep things kind of 15 private, but there are times if something has occurred 16 that they need to know about to take proper 17 precautions like right away to stop something or 18 prohibit, you know, some activity or something from 19 going on, there are times where you would communicate 20 like, hey, as a result of an investigation we found 21 out that this is allegedly happening, you need to make 22 sure that you stop this. 23 Q. Okay. And so you don't recall that happening in this 24 case; right? 25 A. No.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. So now my question is, do you recall at some point 2 when you were in IA learning that he had tried to flag 3 down an officer for help and been ignored? 4 A. I don't recall that. 5 Q. Okay. Would that be something that your department 6 would investigate? 7 A. If it was new evidence that came into being that was 8 substantiated in some way, shape, or form, but here's 9 the problem. If your back is to me and I wave like 10 this and you don't see it, that's not your fault. 11 Q. Well, you go ask the officer; right? Hey, did you see 12 this? He says he's a rape victim and you're just 13 ignoring him. Did you see something? You'd ask the 14 question; right? 15 A. And maybe Officer Lawson did. I don't know. 16 Q. So you're not aware that he didn't? 17 A. I don't know. 18 Q. Okay. 19 A. Again, I'm going from recollection from – you know. 20 Q. So Commander Cain testified that you didn't have any 21 sort of – so you said I was wrong. Well, it's not 22 just Sarah Prescott sitting here saying that. 23 Commander Cain testified that she did not get feedback 24 back from IA about its findings, about its positions 25 on what was going on in the sexual assault claims.</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. And so best you would know is that she would at 2 earliest be informed of something to do with this case 3 when the case would be closed? 4 A. She probably wasn't even informed then because I 5 believe she would have been at Jail Division 3 at that 6 point. 7 Q. Okay. So whoever who was over the jail division, the 8 earliest, then, you would understand, based on 9 processes, that they would get anything back on 10 Solomon and Burks was at the closure of the IA file? 11 A. In this particular case. 12 Q. Right. Am I correct? 13 A. Yes. 14 Q. Have you ever spoken with Bell, Williams, Seals, or 15 Lee, the defendants in this case, about Solomon or 16 Burks? 17 A. No. 18 Q. Do you know anybody who has? 19 A. Corporal Lawson. 20 Q. Why do you say that? 21 A. Okay. Now, wait a minute. So help me with the facts 22 here. Bell and who are working the day of the alleged 23 incident? 24 Q. Williams. 25 A. Williams. So they're working the shift of the alleged</p>

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<p style="text-align: right;">Page 70</p> <p>1 incident; correct?</p> <p>2 Q. And then Lee and Seals are on the next shift.</p> <p>3 A. Okay. Is it reported to Lee and Seals?</p> <p>4 Q. Tried to be.</p> <p>5 A. Okay. So who actually writes the reports? The shift</p> <p>6 after that?</p> <p>7 Q. Two shifts later I guess.</p> <p>8 A. Okay. Then no, I'm not aware of anybody that spoke to</p> <p>9 them. I was thinking it was the next shift that</p> <p>10 reported it, but if it's not, then no, I don't know</p> <p>11 anybody that spoke to them.</p> <p>12 Q. Doesn't it seem like the officers would be really good</p> <p>13 witnesses to help put a guy behind bars if he raped</p> <p>14 someone who were there watching everybody the night of</p> <p>15 the rape?</p> <p>16 A. Only if they had direct evidence on the case.</p> <p>17 Q. Yeah. And you can't find that out unless you ask them</p> <p>18 the question; right?</p> <p>19 A. They would have reported it had they observed</p> <p>20 something.</p> <p>21 Q. Okay. Now, Mr. -- unless possibly they weren't paying</p> <p>22 attention and they were derelict in their duty. Then</p> <p>23 they might not report that I was derelict in my duty.</p> <p>24 A. Do you have evidence to back that up?</p> <p>25 Q. Did you entertain that as a possibility in your IA</p>	<p style="text-align: right;">Page 72</p> <p>1 would follow the leads of what my client offered, hey,</p> <p>2 this person might have seen something, this person</p> <p>3 might have seen something? Should Corporal Lawson</p> <p>4 follow those leads?</p> <p>5 A. I would say yes.</p> <p>6 Q. Do you know whether my client offered any leads like</p> <p>7 that?</p> <p>8 A. As I sit here, no, I do not.</p> <p>9 Q. Okay. Would it trouble you if Corporal Lawson didn't</p> <p>10 follow those kinds of leads that my client would have</p> <p>11 given him?</p> <p>12 A. I don't want to use the word "troubled" because I</p> <p>13 would want to ask Corporal Lawson why didn't he and</p> <p>14 see what his explanation was. Maybe there's a reason</p> <p>15 why. I don't know.</p> <p>16 Q. So my client told Corporal Lawson some other guys told</p> <p>17 me they saw Solomon coming in and out of my cell at</p> <p>18 the time of the rape and they were right across the</p> <p>19 hall in the other ward and they told me afterwards,</p> <p>20 hey, yeah, we saw that and also they happened to know</p> <p>21 that he was a prior rapist of bunkies at MDOC and so</p> <p>22 they took notice and they saw what was going on and he</p> <p>23 tells Lawson that. You're not aware of that?</p> <p>24 A. As I sit here, no.</p> <p>25 Q. And are you aware of whether Corporal Lawson went to</p>
<p style="text-align: right;">Page 71</p> <p>1 department?</p> <p>2 A. I would have to defer you to Corporal Lawson.</p> <p>3 Q. So your testimony is that a good investigator would</p> <p>4 follow up the leads of what my client specifically</p> <p>5 said happened and who might have seen something</p> <p>6 happen; right?</p> <p>7 A. Now, we gotta be very careful.</p> <p>8 Q. Okay.</p> <p>9 A. We're speaking specifically about this case. We're</p> <p>10 not speaking about all cases. We're speaking about</p> <p>11 the facts of this case.</p> <p>12 Q. Okay.</p> <p>13 A. Because in this case the evidence is based upon the</p> <p>14 testimony or the witness, the victim.</p> <p>15 Q. Okay.</p> <p>16 A. If there was physical evidence or something in some</p> <p>17 other case that leads you to believe that there's</p> <p>18 something else that's going on, then you can follow</p> <p>19 that trail. So what I'm saying is we follow the</p> <p>20 trail. I don't want to paint this to where every case</p> <p>21 is done this way because if there was something else</p> <p>22 to where, you know -- some other kind of forensic</p> <p>23 information came up that would lead you to think</p> <p>24 something else happened, then you would follow that.</p> <p>25 Q. Okay. Is it your testimony that a good investigation</p>	<p style="text-align: right;">Page 73</p> <p>1 talk to those guys?</p> <p>2 A. No, I'm not.</p> <p>3 Q. Who might have been direct witnesses?</p> <p>4 A. No, I'm not aware.</p> <p>5 Q. Can you give an opinion on whether that would be a</p> <p>6 good or bad thing to do to go check with them?</p> <p>7 A. No. I would expect that if he had been told that that</p> <p>8 he should have went and asked them.</p> <p>9 Q. And if he goes and interviews a witness, he should be</p> <p>10 recording it and making report about it; right?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know when you first received any training</p> <p>13 relative to the Prison Rape Elimination Act?</p> <p>14 A. I don't remember exactly what year it was. I know we</p> <p>15 were kind of in the forefront. We were writing the</p> <p>16 policy on it, and then we got that online training</p> <p>17 through the NCIC for responding to and investigating</p> <p>18 reports of prison rape.</p> <p>19 Q. When I think of forefront, I think what you mean but I</p> <p>20 want to understand is that you were early adopters?</p> <p>21 A. I believe we were, yes. That's my recollection of it.</p> <p>22 We were -- we were in the beginning.</p> <p>23 Q. Okay. Do you know when the PREA standards came out?</p> <p>24 Was it 2012?</p> <p>25 A. I wouldn't be surprised, because I remember Deputy</p>

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<p style="text-align: right;">Page 74</p> <p>1 Chief Larry Hall, who's not been with us for quite a 2 few years, was the one responsible for initially 3 writing the policy, and I remember reviewing it and 4 talking to him about it a little bit here and there, 5 and he's been gone for quite a while. So that 6 wouldn't surprise me. 7 Q. Okay. PREA requires everybody get PREA training every 8 two years as a refresher. If they haven't had it 9 before, certainly to have it in the first place if 10 they haven't had it before. And that wasn't happening 11 until 2016. Are you aware of that? 12 A. I don't know what was going on in the jails. I'm not 13 sure if that's accurate for Internal Affairs. 14 Q. Okay. But you don't know when the Internal Affairs 15 trainings were? 16 A. Well, no. They were all online. So, I mean, we may 17 have been doing it in the jails maybe – I don't know 18 if the jail were doing it or not doing it. I wasn't 19 in charge of the jails at that point. But what I'm 20 saying is that you're saying they weren't doing it 21 until 2016. I'm not arguing that. I'm just saying 22 I – it may have been. I don't know if you have our 23 training records from IA. I wouldn't be shocked if we 24 were doing it. 25 Q. Would you be able to identify the IA file, the full IA</p>	<p style="text-align: right;">Page 76</p> <p>1 decision or we go to trial on this date. So I would 2 get updates about – so we probably talked about it at 3 some point. 4 Q. Okay. It sounds like there's nothing where you 5 specifically remember a more substantive discussion 6 about it that you can testify about? 7 A. No. 8 Q. Do you know whether the policies on rounds were being 9 followed the night of the rape? 10 A. I thought that was part of what we talked about the 11 last time. 12 Q. Well, we talked about cameras and some on rounds, but 13 I'm just wondering if you know whether like Williams, 14 Bell, Seals, Lee, those rounds they did were in 15 accordance with written policy at the time. 16 A. I thought that that was part of the review or whatever 17 for the last deposition and that it looked like they 18 were. That's my recollection. 19 Q. Okay. And so we talked about whether the policy 20 saying that there needed to be continuous rounds of 21 prisoners of this kind and we talked about continuous 22 means continuous. 23 A. Um-hmm. 24 Q. Your point is but we could do our rounds? 25 A. Um-hmm.</p>
<p style="text-align: right;">Page 75</p> <p>1 file on Solomon and Burks or would you not have seen 2 it because it wouldn't have been completed until after 3 the prosecution? 4 A. I mean, when you say identify it, like – well, see, 5 do you mean like if anything is missing? 6 Q. Yes. Yeah. 7 A. I mean, I wouldn't know without the original file if 8 something was missing. I mean, I can tell you what's 9 there and what it looks like it is and what – what I 10 would think should be there, but without the actual 11 file, I wouldn't know if – I mean, what – if they 12 left something out, I don't know if I would know. 13 Q. Okay. Do you ever remember specifically talking to 14 Lawson about the Burks and Solomon investigation? 15 A. I don't specifically remember talking to him about it, 16 but I know that we would have because you're required 17 to do case extensions – oh, wait a minute. This is a 18 criminal case not involving an officer, so there would 19 be no case extensions. Periodically I would look at 20 the case logs to see how many cases were assigned to 21 each officer where they were and so I would go to them 22 and I would say give me an update, where are you on 23 this case and it would be like, well, hey, we're 24 waiting for this person to come back from sick leave 25 or this one's at the prosecutor's office waiting for a</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. And the records do show that they were doing rounds 2 about hourly; right? 3 A. Um-hmm. 4 Q. Do you recall that? 5 A. Um-hmm. 6 Q. That's yes? 7 A. Yes. I'm sorry. 8 Q. Okay. So did anyone at any point ever put in writing 9 that you know of we're not going to be doing 10 continuous rounds, we're going to be doing these 11 hourly rounds, this policy that says continuous, we're 12 not applying that, that you know of? 13 A. Yeah. I don't know. I mean, when I left the jail in 14 2002, we were doing continuous rounds, but then I made 15 detective and went out to a street unit, and then they 16 brought in the cameras, and so it all changed at that 17 time period, and I'm not – I don't know what was 18 written or not written or anything about it. 19 Q. Do you think that they've changed doing the continuous 20 rounds because of the cameras? 21 A. Yeah. Yeah. Because of the camera system, that's – 22 doing continuous rounds were stopped. 23 Q. I see. Okay. And then you're not sure – okay. So 24 that's an example. So you're in IA and there's this 25 policy and it's on the books that says do continuous</p>

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<p style="text-align: right;">Page 78</p> <p>1 rounds with these kinds of prisoners. And nobody has 2 said to stop that, right? You just said I'm not aware 3 of there being anything in writing that says that's 4 not what we're doing anymore. So doesn't that put 5 your department in a weird position because there's a 6 written policy that says to do it and there's nothing 7 saying to stop? 8 A. No. No, no, no. 9 Q. Okay. 10 A. I think I misconstrued your question. I mean, I got 11 the new policy that says do them hourly or half hourly 12 if the camera system's down. You asked was there a 13 policy saying to stop the old policy. I don't 14 remember seeing a policy that says stop the old 15 policy. I have the new policy where we were operating 16 under, but it doesn't – I don't know if it 17 specifically says this supersedes or replaces the 18 other one or whatever. 19 Q. So you're not aware that the current up-to-date today 20 policy still says to do continuous rounds with 21 prisoners that are close security or higher? 22 A. No. There's – there's been several ideations of that 23 policy even since the other deposition that we did and 24 so – because it just changed at my jail again. 25 Q. Okay.</p>	<p style="text-align: right;">Page 80</p> <p>1 BY MS. PRESCOTT: 2 Q. "In fact, some of the policies call for not just 3 rounds every 30 minutes but continuous rounds; right? 4 Answer: On specific housing units. 5 Question: And continuous rounds means just 6 that, you're constantly walking between one and the 7 next, or does it mean something different? 8 Answer: No. You're walking – you're 9 walking, you know, continuously from one and the 10 other. 11 Question: And so were there times that 12 continuous rounds were instituted in certain wards 13 because of camera inoperability?" 14 So then we get into the cameras. You say, 15 "I wasn't there. I don't have personal knowledge of 16 that." 17 And I asked you if there were continuous 18 rounds during the time frame of this rape, and you 19 say – let's see. "Were there times continuous rounds 20 were instituted?" 21 "I don't – I wasn't there. I don't have 22 personal knowledge. Yes, there would have been times 23 continuous rounds were instituted." 24 "How about from January 15 through August 25 of '16" –</p>
<p style="text-align: right;">Page 79</p> <p>1 A. That closed continuous observation rounds I think 2 you're talking about? 3 Q. It says continuous rounds – okay. So let's take – I 4 confused things by saying up till today because we're 5 not worried about 2021 or 2022. So in 2016 we're 6 allowed to ask for what was the policies, and then 7 Mr. O'Neill goes and he gets the policies that were in 8 place in 2016 and he hands me the policy on rounds, 9 and the policy – and this is what we talked about at 10 your last deposition, and the policy says you do 11 continuous rounds. Do you remember talking about that 12 and we went over that policy? 13 A. I remember the hourly and half hourly according to the 14 camera system. 15 Q. Okay. You don't remember us talking about the 16 continuous rounds? 17 A. Maybe if you can show it to me. 18 Q. Okay. 19 A. I know with mental health close observation there may 20 be still times that continuous rounds are necessary. 21 Q. And I can pull out the policy too. Just give me a 22 second. 23 A. But that's mental health. 24 MS. PRESCOTT: This is Page 21, Paul, if 25 you want to pull it up.</p>	<p style="text-align: right;">Page 81</p> <p>1 "Answer: I wasn't –" 2 I finished the question. "– time frame?" 3 "I wasn't there at that time. But I would 4 venture to guess if the camera systems monitoring, the 5 video monitoring itself was down on the fifth and 6 sixth floor, then continuous rounds would have been 7 implemented." 8 Is that your belief that continuous rounds 9 were implemented? 10 A. I – I only believe continuous rounds would be 11 implemented if it's a mental health issue, like for 12 suicide watch or something. They call it close 13 observation, but usually that's on the fourth floor, 14 Division 1. Or possibly the fifth floor if it was a 15 female inmate. 16 Q. Okay. Then we talk about 2.3. So policy 2.3 is the 17 policy on classification. Okay? Classification 18 plans. And it says that "Security Level 2. Close 19 security inmates shall have in cell supervision from a 20 continuously staffed security post in the immediate 21 area and within sound of the housing unit. In 22 addition, rovers shall continuously monitor close 23 custody housing areas and make continuous rounds. 24 Continuous rounds and sound supervision shall be 25 provided close security inmates who are assigned to</p>

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<p style="text-align: right;">Page 82</p> <p>1 occupancy cells and for out of cell activities as 2 well." And then also "Supplemental security measures 3 also shall be taken if warranted." 4 So that's in 2.3. It's Paragraph 5-A. And 5 I can hand it to you if you want. 6 A. You say that's a classification policy? 7 Q. That's right. 8 A. Yeah. Can I see it, please? 9 Q. Yeah. So it's 5. It's got the orange. 10 A. Like Page 1 or 2 does it say the classification at the 11 top or – 12 Q. Page 1 and 2. I've handed the witness Page 1 and 2. 13 A. So this was written in January of '06. 14 Q. Okay. 15 A. I don't know if it was subsequently replaced because I 16 wasn't – I've never been assigned to classification. 17 It may have been replaced. It may have been that the 18 jail updated the round policy and didn't know this one 19 existed, because classification is kind of separate 20 from the jail because you've got – you've got like, 21 you know, commander of the jail, but classification, 22 you have a director of classification and they're kind 23 of equal and separate, so . . . I mean, I'm 24 speculating. It could be this had been updated or 25 rescinded.</p>	<p style="text-align: right;">Page 84</p> <p>1 aren't going to do this or we shouldn't do this, what 2 policy 2.3 is saying, we're going to be doing a 3 different kind of rounds? 4 A. The classification – no. No. 5 Q. Okay. You mentioned that you had looked at the expert 6 reports and that you're here to rebut them. What did 7 you mean? How so? 8 A. Well, I don't agree with the opinions and conclusions 9 that were reached on. One of the things that I 10 noticed was that the experts didn't seem to have any 11 investigative experience. They had experiences like 12 jail administrators and teachers and things like that. 13 And one of the guidelines especially through PREA is 14 that an independent third party review takes place, 15 which in our instance is the Wayne County Prosecutor's 16 Office reviewing this case and doing their criminal 17 prosecution. See, it's easy as a jail administrator 18 to point out a flaw because you're the trier of fact. 19 You get to say, okay, you're wrong in this avenue, but 20 you don't have to run that by anybody. It's not 21 peer-reviewed. Whereas like a true investigator, 22 they're not the trier of fact. They present the fact 23 and then a discipline panel makes the decision or the 24 jail administration makes the decision or the 25 prosecutor's office or whatever. So, I mean, to me it</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. The information I have is that it's the policy as of 2 2016 even yes, though, it was a decade old by then. 3 This is what the county provided. Excuse me. The 4 sheriff's office provided. 5 A. Yeah. I don't know why this is – my guess is they 6 didn't know it existed. 7 Q. So do you know whether classifications understood when 8 they say this person is this level of dangerous, there 9 are two, they need – and there shall be continuous 10 close security rounds from continuously staffed local 11 places and then also rovers continuously monitoring 12 them, do you know whether they were aware that that's 13 not what was happening? 14 A. I mean, it's speculation. My point – but logically 15 all I can say is that the classification staff often 16 works overtime in the jail, so – in like security 17 positions, so, I mean, you would think that they knew 18 that wasn't being done by working in those positions, 19 but, again, that's speculation. I don't have direct 20 knowledge. 21 Q. I mean, the thing in this case is the person who 22 classified Solomon is a civilian, so that wouldn't be 23 applying to her, but I take your point. 24 Okay. Suffice it to say, you're not aware 25 of anyone ever in writing saying, hey, we don't – we</p>	<p style="text-align: right;">Page 85</p> <p>1 was very obvious that they were paid – they presented 2 their facts in a certain light and they also presented 3 them somewhat skewed in my opinion because they wanted 4 to like believe facts one way but then would kind of 5 ignore exculpatory information. So, I mean, again, 6 it's – you get what you pay for. 7 Q. Well, you're being paid to give your expert opinion, 8 aren't you? 9 A. I get paid the same whether I'm here or not. I get 10 paid the same whether I'm sitting at Jail Division 2 11 or if I'm sitting here providing testimony about this. 12 There's no increase. There's no decrease. It's – 13 Q. You're paid to sit here today, unlike me, – 14 A. And if I wasn't – 15 Q. – the person you accuse of being here for money. 16 A. And if I wasn't sitting here, I'd be sitting at the 17 jail doing my job there – 18 Q. Right. 19 A. – to the best of my ability trying to make sure it's 20 safe. 21 Q. Okay. So you get paid by the county and you're 22 definitely a supporter of the sheriff's office, right? 23 A. I'm a supporter of – of the criminal justice system. 24 Q. So you're not a supporter of the sheriff's office? 25 A. But I don't want this to –</p>

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<p style="text-align: right;">Page 86</p> <p>1 Q. Have I misstated that?</p> <p>2 A. No. I don't want this to sound political because I</p> <p>3 was a supporter of the prior administration, I was a</p> <p>4 supporter of the administration before that, I was a</p> <p>5 supporter of the administration before that. I joined</p> <p>6 this organization to be a Wayne County Sheriff, and I</p> <p>7 support whichever sheriff is in power. So I'm not –</p> <p>8 I mean, I am in an appointed position as a commander,</p> <p>9 but I – it was not a political appointment. I mean,</p> <p>10 it was – I came up through the ranks and I've been a</p> <p>11 police officer and I'm going to end as a police</p> <p>12 officer.</p> <p>13 Q. Have you made donations to the sheriffs in their</p> <p>14 campaigns?</p> <p>15 A. I have attended – I have attended fundraisers, yes.</p> <p>16 And various sheriffs and prosecutors as well.</p> <p>17 Q. And have you – so when you attend, like you pay, you</p> <p>18 know, 20 bucks to get in the door or 20 bucks for the</p> <p>19 spaghetti dinner or whatever is for the fundraiser?</p> <p>20 A. Buy a ticket. Buy a ticket.</p> <p>21 Q. And then you've also – like have you helped put those</p> <p>22 kinds of events together, a car wash or a spaghetti</p> <p>23 dinner or whatever?</p> <p>24 A. Never.</p> <p>25 Q. No? And have you, you know, asked friends to vote for</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. Okay. Sorry. Okay. So the independent reviewer, are</p> <p>2 you talking about like auditors? I didn't understand</p> <p>3 your point about those.</p> <p>4 A. Yeah. And I realize it could be done in different</p> <p>5 capacities. Like some agencies have a PREA response</p> <p>6 team. Some agencies – like we have a PREA</p> <p>7 coordinator that also reviews cases. It's James Davis</p> <p>8 and before that it was Chuck Pappas, but . . . You</p> <p>9 can be audited, but like for us, the independent –</p> <p>10 like a lot – the independent agency that reviews like</p> <p>11 for all criminal sexual assaults, unless somebody says</p> <p>12 they do not want to prosecute, we submit a warrant</p> <p>13 request, you know, and let the Wayne County</p> <p>14 Prosecutor's Office decide do they want to prosecute</p> <p>15 or not. So they are like an additional checks and</p> <p>16 balance. Because they also have the ability and the</p> <p>17 authority to go back and say, hey, I want you to do</p> <p>18 further follow-up investigations in this matter in</p> <p>19 this area.</p> <p>20 Q. Okay. Does the Prosecutor's Office review files that</p> <p>21 are not submitted for prosecution?</p> <p>22 A. No.</p> <p>23 Q. Okay. So, for example, you might find that someone</p> <p>24 hasn't committed a crime but they violated –</p> <p>25 seriously violated internal policy in their behavior,</p>
<p style="text-align: right;">Page 87</p> <p>1 the sheriff, like not campaign, but like, you know,</p> <p>2 spread the word for the candidate?</p> <p>3 A. I can't say I've ever asked anybody to vote. I've had</p> <p>4 people ask me like, hey, what kind of guy is – you</p> <p>5 know, like I remember somebody specifically saying</p> <p>6 what kind of guy is Benny Napoleon. And, you know,</p> <p>7 he's a good guy. He treats us well. You know, he</p> <p>8 cares about people. That type of thing. I don't</p> <p>9 recall ever saying, hey, you should vote for him.</p> <p>10 Q. Okay. And so let me go back because you mentioned</p> <p>11 some things in your last answer. So you said one of</p> <p>12 the things that you noticed about the experts are that</p> <p>13 they didn't have investigative experience. And PREA</p> <p>14 talks about an independent reviewer. Do you think IA</p> <p>15 is independent of the sheriff's office?</p> <p>16 A. No. The Wayne County Prosecutors is.</p> <p>17 Q. Okay. But you understand – so to go back, and this</p> <p>18 isn't just about Wayne County Jail, you understand</p> <p>19 that all systems, whether it's MDOC or a jail system,</p> <p>20 through a sheriff's office, they're all supposed to</p> <p>21 under PREA make not an independent review, with an</p> <p>22 inside their own system review; right?</p> <p>23 A. Right.</p> <p>24 Q. Your mask made it hard. Did you say yes?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 89</p> <p>1 so it's not going to go to Kym Worthy's office, but</p> <p>2 your office can certainly say you violated an – like,</p> <p>3 you know, maybe it's sexual harassment. You violated</p> <p>4 an expectation with regard to this prisoner's rights</p> <p>5 and we're firing you. That's a thing that can happen;</p> <p>6 right?</p> <p>7 A. Yeah. Now, are we speaking about staff or inmates or</p> <p>8 both?</p> <p>9 Q. It could be either; right?</p> <p>10 A. Okay.</p> <p>11 Q. You sexually harassed a colleague or you sexually</p> <p>12 harassed a prisoner; right?</p> <p>13 A. Okay.</p> <p>14 Q. Either one of those can happen; right?</p> <p>15 A. Yes.</p> <p>16 Q. And it may not be all the way to a crime, but it's</p> <p>17 still something that you are going to take seriously</p> <p>18 and do something about; right?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So Kym Worthy's office isn't like auditing</p> <p>21 those files or overseeing or reviewing those files in</p> <p>22 any way, is she?</p> <p>23 A. No. It would only be something that's of a criminal</p> <p>24 nature.</p> <p>25 Q. And likewise her office isn't responsible for and it</p>

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<p style="text-align: right;">Page 90</p> <p>1 doesn't participate in are jail operations running 2 according to constitutional standards, does it? 3 A. Well, Kym Worthy wouldn't be part of that, but the 4 federal government would be. You're talking about the 5 United States Constitution. 6 Q. Yeah. 7 A. Yeah. I mean, like – like obviously the feds will 8 come in if you're in violation of civil rights and 9 things like that. 10 Q. Okay. But you've not had the federal government even 11 investigating anything to do with civil rights 12 violations in the Wayne County Jail, have you? 13 A. I – there were times that the FBI reached out to me 14 and asked for case information so they could review 15 it. 16 Q. Okay. But those were for criminal matters; right? Or 17 potentially? 18 A. Potentially criminal matters, yes. 19 Q. Right. I'm talking about the civil side of the 20 justice department that's coming in and saying – to 21 your point about an independent reviewer, has the 22 civil side of the justice department come in let's say 23 in 2015 or '16, just to make it more discrete, and 24 said we're looking at adherence to civil rights laws? 25 A. Okay.</p>	<p style="text-align: right;">Page 92</p> <p>1 matters at other agencies where they've requested us 2 to come in but they were not proven related. 3 Q. Okay. And so I guess I'm just going to your point 4 about the PREA standard and how there's this idea of 5 independent reviewers. You have not been that person; 6 right? 7 A. Correct. 8 Q. Okay. And you understand Kym Worthy's office doesn't 9 enforce PREA or like implement PREA standards as to 10 the jail; right? 11 A. Correct. 12 Q. So I guess I want to understand your point about – 13 because I had asked you what did you see in the 14 reports that raised issues for you, and fairly enough 15 you said, okay, these people didn't have investigative 16 experience as independent reviewers. But you haven't 17 either, so I'm trying to understand why that raises an 18 issue for you. 19 A. I was speaking of investigations in totality, not just 20 sexual assault investigations – 21 Q. I see. 22 A. – when I made that statement. I'm talking about all 23 investigations. I don't get to decide if I'm right or 24 wrong. I have to let somebody else look at it and 25 they say, hey, you were right or you were wrong.</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. Has that happened? 2 A. No. 3 Q. Okay. And your career in criminal justice has been at 4 the Wayne County Sheriff's Office, right, completely? 5 Although I know you were a detective on a street unit 6 at different times. Like is it all under – 7 A. Well, I just want to be clear. At one point the 8 prosecutor's office was paying my salary, so I was 9 technically a Wayne County Prosecutor's employee, but 10 I was still sworn in by the sheriff, so . . . 11 Q. And is that when you were a street officer? 12 A. Yeah. That was from 2002 to 2009. 13 Q. Okay. So fair enough. That's a fair clarification. 14 So there was a time where the check would have come 15 through a different payroll, but you've always been 16 sworn within the sheriff's office; right? 17 A. Yes. 18 Q. And so there isn't – sometimes we ask really obvious 19 questions, but I just want to make sure I'm 20 understanding. You have never played that independent 21 role of checking over some other agency's PREA 22 compliance or its handling or management of how are 23 you guys doing with regard to sexual safety of 24 prisoners? 25 A. Not PREA, but I have had to investigate other criminal</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. Okay. And what about auditing? Is that – you 2 consider that different or the same as investigating? 3 Like when you're auditing PREA or, you know. 4 A. No. Auditing – auditing could be a review. 5 Q. Could be? I'm sorry. 6 A. Could be a review. 7 Q. Akin to an independent review? 8 A. Yes. 9 Q. Okay. So you're not aware that one of our experts, 10 Ms. Bonner, has been doing PREA audits all over the 11 country for different facilities throughout her 12 career? 13 A. I mean, I didn't know that, no. 14 Q. Okay. So this is one of the points you saw in one of 15 these things is whether they had investigative 16 experience. You said that you thought that their view 17 of things were skewed, they seemed to believe one way 18 and ignore exculpatory evidence. Do you have any 19 particular area that you thought that they ignored 20 something exculpatory? 21 A. There was one section in there where they state that 22 the inmate made a statement that he had told the 23 officer or whatever and if you are to believe the 24 inmate at face value or whatever, then, you know, 25 basically the sheriff's office is wrong, but the</p>

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<p style="text-align: right;">Page 94</p> <p>1 problem is is he didn't have – they, he, she, they, I 2 don't know who – 3 Q. The expert. 4 A. The expert. Thank you. Did not have any evidence to 5 say that the investigator or that the officers had 6 been told. I mean, you could very – you could just 7 as likely have changed that statement if they take the 8 officer's testimony at face value, then the officer's 9 right. It could have just as easily been stated that 10 way. But instead of stating it both ways or that way, 11 they chose to state it in the side that was most 12 beneficial in that light. 13 Q. Okay. I get you. Did you see other things like that 14 that stood out to you as – 15 A. That's the thing that really hit me over the head. I 16 mean, like instead of listing it – you know, it's 17 kind of like when you put it down, you put it all 18 down. You don't just put it one way, one-sided. 19 Q. And that's something that Corporal Lawson should do, 20 too, as an investigator, right? 21 A. Yes. If the evidence leads you there. 22 Q. Do you know why he didn't record in any of his reports 23 that my client had told him that there were other 24 inmates who had claimed to have seen the activity 25 going on in and out of the cell?</p>	<p style="text-align: right;">Page 96</p> <p>1 the most honest answer I can give you is I guess that 2 it's an individual. 3 Q. I see. I take your point. So sometimes you would see 4 officer B and they know damn well officer A just got 5 fired for doing something – 6 A. And they do the same thing. 7 Q. – and they do the same thing and you're like 8 scratching your head like what the heck? 9 A. Why? 10 Q. Okay. Is there anything else that stopped you about 11 the reports that you thought, you know, these are 12 the – 13 A. Nothing off the top of my head. 14 Q. Okay. So I know it sounds like you – you know, we 15 covered what you didn't – you know, did you see this 16 or talk to these people. Is there anything that we 17 haven't covered that you did do relative to the IA 18 investigation with Burks and Solomon that we haven't 19 talked about? 20 A. I can't think of anything, no. 21 Q. Okay. And am I correct that you were not involved 22 with training the floor security staff on Ward 610 in 23 the – let's at least just say in the calendar year or 24 two before August of 2016? Is that true? 25 A. I just want to clarify. I don't know – I know</p>
<p style="text-align: right;">Page 95</p> <p>1 MR. O'NEILL: Asked and answered. 2 A. I don't know that he was told that. And I don't know, 3 if that is the truth, why. 4 BY MS. PRESCOTT: 5 Q. What could be some of the punishments that could 6 happen to somebody if they ignored a prisoner's 7 request for assistance after the prisoner had been 8 sexually assaulted? Do you know? 9 A. Well, you could be criminally prosecuted, for one. 10 You could be federally prosecuted. You could be 11 civilly liable. You could certainly be terminated. 12 Q. Do you think that the officers believe that threat of 13 termination is not a really serious threat? Like, in 14 other words, that that's not the kind of thing that 15 would really happen, though, if you ignored a request 16 for help? 17 A. I guess that would depend on the officer, because my 18 experience at IA, you know, like I said, I had over a 19 hundred people that were either terminated or resigned 20 as a result of investigations that we did, and I would 21 kind of be shocked like, hey, this person just saw 22 somebody two or three months ago get caught for the 23 same thing, how is it that they're doing it? I mean, 24 did they think they were going to get away – so that 25 would kind of shock me from time to time. So, I mean,</p>	<p style="text-align: right;">Page 97</p> <p>1 Corporal Judy Bell I would not have been. The other 2 officer, I don't know what his seniority date is 3 because I don't know him. He – if he had – was a 4 newer officer, I may have taught at his jailer's 5 training class or something, because there was an IA 6 class that I taught, so just for total clarity, maybe 7 that. 8 Q. Okay. So I just want to clarify my question too. So 9 like I'm just – so in 2014, '15, '16 you would not 10 have been doing training for the floor security staff 11 of 610; is that right? 12 A. Unless they were new hired into the department and 13 jailer's training. 14 Q. I see. So if they were brand-new kind of – if they 15 were – 16 A. Coming in. 17 Q. If they came in during '14, '15, '16 you were doing 18 some of the jailer training. All right. Thank you. 19 That's helpful. But other than that, no? 20 A. No. 21 Q. Okay. And then also with regard to supervising on 22 Ward 610 let's say in '14 – 2014 to 2016, would you 23 have been in a supervisory role? 24 A. No. 25 Q. And then in terms of, you know, PREA enforcement or</p>

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<p style="text-align: right;">Page 98</p> <p>1 enforcement, again, using your word of enforcement, 2 like these are the rules and you've violated them, I 3 have to enforce it, you didn't do any of that for the 4 floor security staff of 6 Old in the two years before 5 the rape, did you? 6 A. No. 7 Q. And you weren't in the chain of command on the night 8 of the rape of floor security staff? 9 A. No. 10 Q. And we already covered you didn't do – have you ever 11 in your career worked on the corrections – or 12 classification side? 13 A. Never. 14 Q. Okay. So like do you know what the – how they sort 15 out who might be dangerous from who? 16 A. I have a basic understanding of the criteria in the 17 operation. 18 Q. Do you in IA – does IA have jurisdiction over the 19 civilians who work like in classification? 20 A. Yes. We – we – I mean, we have jurisdiction over 21 everybody kind of, but, I mean, again, you're 22 reporting it. Somebody above you decides the 23 discipline or security revocation. 24 Q. Fair enough. Is it right to say you guys are 25 essentially the investigatory arm of the whole</p>	<p style="text-align: right;">Page 100</p> <p>1 sexual violation or to stay safe, like maybe more like 2 tips to stay safe or hotlines to report. Do you 3 remember when that signage went up? 4 A. I don't remember the specific year. I know that Chuck 5 Pappas is the one that had it done. He was the first 6 PREA coordinator. So it was after he came on. You 7 know, we also have the PREA hotlines in our phones 8 too. 9 Q. Okay. Do you know when that stuff got rolled out? 10 A. No. It just – it kind of all runs together after so 11 many years. 12 Q. It's been a while too. I understand that. 13 A. Yeah. 14 Q. There was also an update to the inmate handbook and it 15 had to do with sexual safety. Do you have any idea 16 when that happened? 17 A. No. But I do remember seeing that that happened. I 18 do recall it, yeah. 19 Q. Could you say whether that happened before or after 20 July of '16? 21 A. I'm sorry. I don't know. 22 Q. Okay. And there was also at some point someone 23 decided to put together a pamphlet that everybody 24 would get as they came in through intake or 25 classification on sexual safety. Do you know whether</p>
<p style="text-align: right;">Page 99</p> <p>1 department, then? 2 A. Yeah. We police the police. 3 Q. So it would go up to whoever their bosses may be, but 4 you guys are the investigators across; is that fair? 5 A. Yeah. 6 Q. Okay. I can't remember if I asked if you know if the 7 floor security staff on duty the night of the rape 8 violated any rules or violated any practices of the 9 command staff that were instituted down. 10 A. You did ask that and no, I do not. 11 Q. I'm sorry. 12 A. That's okay. 13 Q. I truly didn't remember if I did. Do you know when – 14 you mentioned that people were working on a policy 15 around sexual safety and you may have used the name, I 16 don't think I remembered, it was a Hall or somebody 17 who was working on policy. Do you know when the 18 updated policy was rolled out? 19 A. No, I don't. 20 Q. Okay. And do you know when the floor security staff 21 in 6 Old was trained on the policy whenever it got 22 rolled out? 23 A. No, I do not. 24 Q. And at one point there was a time when people went 25 around posting up signs for, you know, how to report</p>	<p style="text-align: right;">Page 101</p> <p>1 that would have happened before July '16? 2 A. I don't know. I think that was a Chuck Pappas thing 3 also, but I don't know. 4 Q. And do you know whether the classification system with 5 regard to Solomon and how he was classified and Burks 6 and how he was classified, do you know whether that 7 system worked according to whatever the policies and 8 procedures are supposed to be? 9 A. I believe, and, in my opinion, even with this 10 unfortunate incident it did, because Solomon is 11 somebody that was in on a kidnapping charge I believe 12 and then Mr. Burks was on a child case of some sort, 13 and so they're both individuals that could be at risk 14 inside the general population, and we don't have a 15 crystal ball. I mean, even as unfortunate as the 16 sexual assault is, say Mr. Burks had not been placed 17 in protection. Say he had been placed in general 18 population. He may have been murdered. So, I mean, 19 maybe as unfortunate as the CSC is, he could have been 20 killed had he been placed somewhere else, and we'll 21 never get to know that because that didn't happen. 22 So, I mean, I believe that unfortunately sometimes you 23 do everything you can but bad things still happen and 24 you do the best you can. 25 Q. Do you know if Solomon was placed in protective</p>

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<p style="text-align: right;">Page 102</p> <p>1 custody because he was at risk from others or whether</p> <p>2 he was – had, for example, dozens of misconducts and</p> <p>3 disciplinary charges and had been rock bossing people?</p> <p>4 A. I don't know how that decision was made. I know he</p> <p>5 had a kidnapping charge at that time.</p> <p>6 Q. Do you think classifications is basing its decisions</p> <p>7 on charges as opposed to convictions?</p> <p>8 MR. O'NEILL: Objection to foundation.</p> <p>9 You can answer if you know.</p> <p>10 A. My basic understanding of the classification system is</p> <p>11 they take current charges, past charges, history, all</p> <p>12 of those things into consideration, size, weight,</p> <p>13 gender, religion, you know, height, weight, race. All</p> <p>14 of those issues are involved.</p> <p>15 BY MS. PRESCOTT:</p> <p>16 Q. Okay. So I guess you don't know what the thought</p> <p>17 process was on how Solomon was placed in Ward 610; is</p> <p>18 that right?</p> <p>19 A. No, I do not.</p> <p>20 Q. And do you know whether anybody looked at the</p> <p>21 compatibility of Solomon and Burks when housing them</p> <p>22 in the same ward?</p> <p>23 A. No. I wouldn't know that.</p> <p>24 Q. Okay. Do you know whether the classification system</p> <p>25 has a way to assess whether someone is likely to be a</p>	<p style="text-align: right;">Page 104</p> <p>1 determine whether they might be sexually aggressive</p> <p>2 and sexually violent under PREA?</p> <p>3 A. I don't know how they do it. I mean, I may have been</p> <p>4 aware at some point that they're doing something, but,</p> <p>5 I mean, I would say we're doing something, too, so, I</p> <p>6 mean, I don't know what they do.</p> <p>7 Q. But to get to like the something that you think that</p> <p>8 you were doing, you've told us everything you know</p> <p>9 about that; right?</p> <p>10 A. I have the basic knowledge and understanding. I'm</p> <p>11 sure there's more to it that I don't know of.</p> <p>12 Q. Fair. But have you told me what you do know?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Do you know who did the housing assignment of</p> <p>15 Burks and Solomon as of the time of the rape?</p> <p>16 A. No.</p> <p>17 Q. Do you know whether Solomon or Burks got the handbook</p> <p>18 or the pamphlet or saw the signs that we talked about</p> <p>19 in the last few questions?</p> <p>20 A. Do I know for sure? No. They would have had to have</p> <p>21 seen the signs at some point moving throughout the</p> <p>22 jail. But, I mean, there's – the handbooks are</p> <p>23 issued by classification and registry. They should</p> <p>24 have gotten it, but can I guarantee you that they did?</p> <p>25 I mean, I don't have that knowledge.</p>
<p style="text-align: right;">Page 103</p> <p>1 sexual aggressor and by contrast whether another</p> <p>2 person is likely to be a sexual victim?</p> <p>3 A. I have basic knowledge of a screening process that</p> <p>4 takes place upon entry where they will ask questions</p> <p>5 about like sexual orientation, things of that matter.</p> <p>6 We do offer some alternative lifestyle housing</p> <p>7 assignments. So I do think that an effort is made in</p> <p>8 those categories.</p> <p>9 Q. Okay. So for sure there's an effort to say do people</p> <p>10 have a certain lifestyle if they're transgender or</p> <p>11 they may feel at risk because they're homosexual and</p> <p>12 then they're going to be going into general population</p> <p>13 with a bunch of men. Putting those pieces aside, do</p> <p>14 you know of a system to assess whether someone might</p> <p>15 be particularly sexually violent with regard to the</p> <p>16 people they're housed with?</p> <p>17 A. No, I don't.</p> <p>18 Q. Okay. Do you know what, for example, MDOC does to try</p> <p>19 to figure that out or the feds when someone comes into</p> <p>20 their –</p> <p>21 A. No.</p> <p>22 Q. – care and custody? So you're not aware that by 2016</p> <p>23 because of rules that had issued in 2012 the federal</p> <p>24 government, the state, and other, you know, other</p> <p>25 jurisdictions were screening people specifically to</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. Well, and just also like when those things were</p> <p>2 instituted. Like were they before or after them?</p> <p>3 A. Yeah. I was at IA, so I'm not sure.</p> <p>4 Q. Okay. Do you know if Mr. Burks was ever in an</p> <p>5 assignment other than protective custody, like in</p> <p>6 general population?</p> <p>7 A. I don't know that.</p> <p>8 Q. Do you know whether suicide risk played a factor in</p> <p>9 where Solomon was placed into 610 as opposed to other</p> <p>10 assignments?</p> <p>11 A. I don't know if it was necessarily involving him, but</p> <p>12 I do know that suicide is something that is taken into</p> <p>13 consideration. You know, you try not to house inmates</p> <p>14 alone because if there's nobody there to see them in</p> <p>15 between rounds, it would be, you know, possible to</p> <p>16 hurt yourself, so that is something that is taken into</p> <p>17 consideration. Do I know that that directly applied</p> <p>18 to Solomon or Mr. Burks? I do not. But it is</p> <p>19 something that is considered.</p> <p>20 Q. Okay. Is your point about that someone might see it</p> <p>21 that another inmate might scream, like, hey, man –</p> <p>22 A. Oh, he's hanging himself. And I've had that happen.</p> <p>23 I've had many times where other inmates have alerted</p> <p>24 me to that.</p> <p>25 Q. And tell me about – like had there been a push in</p>

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<p style="text-align: right;">Page 106</p> <p>1 this era at least, you know, 2014, '15, '16, to 2 address suicide risk and that there had been some 3 unfortunate incidents of suicide in the jail? 4 A. Yeah. Like the years kind of run together. I'm not 5 sure exactly what years they were. But there were 6 some years like you'd get – you wouldn't have any and 7 then you'd have some where maybe you had a few. So 8 you would always try to redouble your efforts to 9 just – you know, you wanted zero every year. You'd 10 try everything to keep everyone safe, and so you 11 always look at it after an unfortunate incident and 12 try to take action. 13 Q. Yeah. But wasn't there something where there was an 14 investigation or a news report, either an outside 15 agency or some sort of report that Wayne County had an 16 alarmingly high number? 17 A. Yeah. I know at some point there was a news report. 18 I remember. I don't know what year. Some of that 19 stuff is sensationalized. I mean, if you look at the 20 national average, the rate of suicide is far lower in 21 the Wayne County Jail than it is per capita 22 population. 23 Q. Okay. Yeah. That's – the reports don't – I don't 24 know if they say that, but that's your understanding? 25 A. Yeah.</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. I see. So IA doesn't get ordered – so what was your 2 point about – were you saying you could get ordered 3 in to do overtime when you were like division 4 commanders over the jail divisions? 5 A. Yes. 6 Q. Is that what it would be? 7 A. Yes. 8 Q. Okay. But during IA – I think you answered my point 9 is that the IA people are not sort of like covering 10 those shifts – 11 A. No. 12 Q. – with other floor security? 13 A. If they do, it's voluntary and it's specific 14 locations. 15 Q. Okay. It's those more like isolated? 16 A. Yes. 17 Q. Okay. 18 A. Now, as a jail commander I've been ordered in. 19 Q. Makes IA have its positives. There are certain 20 divisions, right, where you get a car and certain – 21 A. Right. 22 Q. – where you don't have to do overtime. 23 Okay. So when there is an allegation of 24 something less than an assault but that's still 25 sexual, like, you know, he keeps pressing me, like he</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. Okay. So what is the – what are the criteria for 2 assignment to the alternate lifestyle area? Would you 3 be able to opine on that or comment on that? 4 A. No. I mean, I really don't know what goes into that 5 determination between classification and possibly 6 medical. 7 Q. When you would be on IA, and I think you might have 8 testified to this, but is it – even when you were in 9 IA, would there be times where you were ordered in for 10 overtime or coming into the floor security to cover? 11 I think you were talking about in the case of rounds 12 where we have to maintain a certain level of rounds, 13 and then you said sometimes you'd get ordered in? 14 A. Yeah. Now, IA was and is exempt from being ordered 15 into the jail on overtime. 16 Q. Okay. 17 A. You were allowed to volunteer, but there was only very 18 specific locations you were allowed to work. You 19 weren't supposed to have any contact with other 20 inmates or other staff members. So, for instance, you 21 would be like in a key control booth or a center 22 station booth, because the problem is is, you know, if 23 you did have some kind of interaction with an inmate 24 or a staff member or something, who's going to 25 investigate it? Who's going to – you know.</p>	<p style="text-align: right;">Page 109</p> <p>1 keeps making comments, does that – who investigates 2 that? Is that IA or is that outside of IA? 3 A. It depends on what it is. Like, for instance, if an 4 inmate just said, hey, this guy keeps flashing me, 5 then that's when, you know, you'd write a JMS report 6 for jail discipline, have classification move that 7 inmate, see if, you know, different housing needs to 8 be made available or whatever. If it's – like let's 9 say somebody says, hey, I want you to have sex with 10 me, if you don't, I'm going to beat you up. Now 11 you're bordering on potentially, you know, criminal 12 activity. So generally in those cases, you know, a 13 prosecution rights form would be filled out. If the 14 person wanted to prosecute, then that's IA. If they 15 say no, I don't want to prosecute, I just want the guy 16 moved or get the guy to leave me alone, then that's, 17 you know, a jail discipline and moving issue 18 reassignment. And, you know, one of the other things 19 we do, too, is we link them in JMS as enemies in the 20 facility. That way they don't get housed together. 21 Q. Okay. So it sounds like that the prosecution rights 22 form and that prosecution rights decision sometimes 23 controls the channel or the flow of things because if 24 the inmate doesn't want to pursue it, then you're just 25 doing a management issue now of keeping people apart?</p>

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<p style="text-align: right;">Page 110</p> <p>1 A. That's possible, yes.</p> <p>2 Q. Okay. And then also the flashing. Can I just make</p> <p>3 sure I understand because these terms and these words</p> <p>4 might mean –</p> <p>5 A. Sure.</p> <p>6 Q. So like I think of flashing as people exposing their</p> <p>7 genitals; right?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. So have you encountered in your IA career and</p> <p>10 maybe even just your floor security career that the</p> <p>11 fear inmates will have over what could happen to them</p> <p>12 in retaliation if they're considered a snitch?</p> <p>13 A. Yeah. That's why you take precautions to make sure</p> <p>14 that that doesn't occur, and that's one of the things</p> <p>15 that the PREA phone system and the tablet system has</p> <p>16 helped alleviate.</p> <p>17 Q. Have you over your career had inmates that were</p> <p>18 attacked, rightly or wrongly, because they were</p> <p>19 suspected of being a snitch?</p> <p>20 A. When you say have I had them attack –</p> <p>21 Q. Like have you seen the situation where the victim</p> <p>22 alleges he's kicking my rear-end because he thinks I'm</p> <p>23 a snitch?</p> <p>24 A. Yeah. Usually it's more from the outside world, like</p> <p>25 this guy thinks I testified on this case in Detroit</p>	<p style="text-align: right;">Page 112</p> <p>1 witnesses for us in Internal Affairs where we had to</p> <p>2 have them placed in CAPIAS and protective housing or</p> <p>3 we've even had people moved outside of our system to</p> <p>4 other counties and things.</p> <p>5 Q. What was the acronym? CAPIAS?</p> <p>6 A. CAPIAS.</p> <p>7 Q. Is it – that's the C-A-P-I-A-S?</p> <p>8 A. Yes.</p> <p>9 Q. Can you tell me what that is?</p> <p>10 A. It's a couple of holding cells that's behind our jail</p> <p>11 medical on the second floor Division 1, and they're –</p> <p>12 they're isolated cells where you can place a very high</p> <p>13 risk or high visibility, you know, inmate. Like when</p> <p>14 Kwame Kilpatrick was in, that's where he was.</p> <p>15 Q. I was going to say like if you're arresting a judge or</p> <p>16 something, –</p> <p>17 A. Yes.</p> <p>18 Q. – they're going to be in that or if you're arresting</p> <p>19 a, I don't know, hundred-year-old like Alzheimer's</p> <p>20 patient that's super vulnerable or something, they can</p> <p>21 be there?</p> <p>22 A. Yeah. We'd probably place them in the infirmary</p> <p>23 instead if it's a medical issue, but . . .</p> <p>24 Q. Okay. So what's the point of the cell, then? It's</p> <p>25 for a non-medical reason that they need to be –</p>
<p style="text-align: right;">Page 111</p> <p>1 back on him ten years ago so he beat me up now.</p> <p>2 Q. Okay. Yeah. I mean, people pass through your</p> <p>3 facility pretty quickly in order –</p> <p>4 A. Before Covid, yes.</p> <p>5 Q. So within IA, when you have to have an inmate in to</p> <p>6 talk about another inmate because of the fear of</p> <p>7 retaliation or the risk of retaliation, that's why</p> <p>8 you're trying to keep some like anonymity or keep them</p> <p>9 separated, that sort of thing?</p> <p>10 A. Yeah. There was different things you can do. I mean,</p> <p>11 you'll have the floor officer pull them out for a</p> <p>12 visit and you talk to them there. You may have them</p> <p>13 move him down to like a conference room or something</p> <p>14 like in shift command so that nobody knows they were</p> <p>15 there or even possibly taken upstairs to like a</p> <p>16 recreation room that's not being used or something,</p> <p>17 line-up room, you know, just something that makes it</p> <p>18 sounds like they're going to something innocuous when</p> <p>19 really they're going to talk to you.</p> <p>20 Q. Okay. And if someone gives evidence to IA about</p> <p>21 another inmate, so inmate about inmate, do they then</p> <p>22 get classified as enemies to keep them apart from that</p> <p>23 point forward?</p> <p>24 A. Yes. And we have had instances where, like I said,</p> <p>25 we – we've had inmates testify against officers as</p>	<p style="text-align: right;">Page 113</p> <p>1 A. Yes. Yes.</p> <p>2 Q. Okay. And are those cells, like are those places</p> <p>3 where they're kind of like medical can also see them</p> <p>4 coming and going so that they – in case of suicide</p> <p>5 or . . .?</p> <p>6 A. They're very isolated, and we don't like using them</p> <p>7 because of suicide, so like – like they don't get</p> <p>8 used unless it's, like I said, a Kwame Kilpatrick or a</p> <p>9 Matty Moroun or somebody that – it's got to be</p> <p>10 somebody really high risk that we have to keep safe</p> <p>11 from everybody else because that – the suicide risk</p> <p>12 is a real concern.</p> <p>13 Q. Okay. So they're not in the medical area is what</p> <p>14 you're saying?</p> <p>15 A. The medical area is on the second floor, but they're</p> <p>16 tucked off way in the back around a corner.</p> <p>17 Q. Okay.</p> <p>18 MR. O'NEILL: Sarah, can we take a break</p> <p>19 when you're ready?</p> <p>20 MS. PRESCOTT: Yeah. We can take a break</p> <p>21 any time.</p> <p>22 (Recess taken at 11:32 a.m.)</p> <p>23 (Back on the record at 11:37 a.m.)</p> <p>24 BY MS. PRESCOTT:</p> <p>25 Q. Is there only a certain group of people in IA that can</p>

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<p style="text-align: right;">Page 114</p> <p>1 pull in staff and question them or is like a Corporal 2 Lawson or anybody else when they get a file they can 3 go ask anyone they want anything they want? 4 A. Yeah. I mean, they have to have the union involved, 5 so the only other criteria is if it's a command 6 officer, I would like for there to be – like if it's 7 a sergeant, I would like an IA sergeant to sit in. If 8 it's above a sergeant, I would – you know, usually I 9 try to sit in unless it was something very like not 10 directly involving them, just like they're adding a 11 little informational piece to it, and then if it's 12 above the rank of commander or deputy chief, there 13 would be times like I would have to have someone 14 higher rank sit in. 15 Q. Okay. So do you have to have the union involved any 16 time an officer is questioned by IA? 17 A. It depends. It depends on which union they're in and 18 what the Collective Bargaining Agreement says at a 19 specific time. Like some unions do not allow you 20 to – even if the officer instead of – the command 21 officer's union was like that. Even if you said I do 22 not want the union in, the union had a right to be in. 23 Q. I see. Okay. So let's put it this way. Unless the 24 officer specifically says I do not want someone from 25 my union and it's a floor security officer, does the</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. Invoked Garrity and now I can't tell you. Yeah. 2 Okay. 3 A. So yeah. They don't understand it. 4 Q. Okay. Which is weird because they have a union. But 5 okay. So if there is an interview with an officer 6 with or without their union by IA, would there be an 7 expectation that a record would be made of it? 8 A. Yes. 9 Q. Even if it was two lines of I asked him if he was 10 there on that night, he said he had, you know, a sick 11 kid and he never was even there? 12 A. Yes. 13 Q. And then certainly if there was a Garrity, you would 14 also record and we also gave the Garrity warnings 15 and – 16 A. Yes. And there's a form. 17 Q. And there's a form. Okay. And then are there rules 18 about how you get an officer? That's just a floor 19 security officer, right? Just like a corporal or 20 floor security officer that's not a sergeant or above. 21 Are there rules about what you have to do to get 22 through the union to get to have a sit-down with them? 23 A. Oh, no. I mean, basically like let's say I want to 24 talk to a day shift GL2 officer. I call their shift 25 command and say can you send me officer so-and-so and</p>
<p style="text-align: right;">Page 115</p> <p>1 union need to be involved? 2 A. Yes. 3 Q. Okay. And unless – whenever IA questions folks with 4 the union, does it always do a Garrity or is it just 5 sometimes? 6 A. No. And – no. It's not always Garrity. It's 7 just – usually it's when the union insists on it or 8 the officer because they won't answer your questions 9 normally. And a lot of times they hurt themselves 10 with Garrity. They don't – they don't really 11 understand what it means. 12 Q. Because then they still refuse? 13 A. Well, Garrity only protects you if you've done 14 something illegal. If you haven't, why would you need 15 Garrity? Because the problem with Garrity is like – 16 like let's say an inmate says an officer assaulted 17 them, and so I would bring the person in and say did 18 you assault this person? Well, I want Garrity. Okay. 19 So I read you Garrity. Did you assault this person? 20 No. Why wouldn't you want me to know that without 21 Garrity? Because now I can't tell the prosecutor that 22 I've interviewed you and you told me you didn't do it. 23 What happens is the prosecutor sees this inmate says 24 he assaulted him. When I attempted to ask him about 25 it, he took Garrity.</p>	<p style="text-align: right;">Page 117</p> <p>1 a union rep, and so the officer will pick does he want 2 his local chief steward, does he want – he's got the 3 right to excuse the chief steward and have the 4 president or vice president of the union instead, so 5 it's kind of like – 6 Q. You're doing it right then, whoever's coming up right 7 then. Okay. 8 Okay. Do you know of any involvement of 9 Corporal Rogers with the events of the Solomon and 10 Burks rape? 11 A. No. 12 Q. There's a Corporal D-Z-I-A-D-O-W-I-C-Z. Do you know 13 of any information or observations they had about the 14 events leading – like the night or two before the 15 rape or the night of the rape? 16 A. No. 17 Q. How about a Corporal O'Connor? 18 A. No. 19 Q. With an O. Three O's actually. How about Officer 20 Piazza, P-I-A-Z-Z-A? 21 A. No. 22 Q. How about Officer Clark? 23 A. No. 24 Q. How about a Corporal Scott? 25 A. No.</p>

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<p style="text-align: right;">Page 118</p> <p>1 Q. How about a Corporal Spencer with a C?</p> <p>2 A. No.</p> <p>3 Q. How about a Corporal Thorpe with an E?</p> <p>4 A. No.</p> <p>5 Q. There's something that the county provided – or</p> <p>6 excuse me, sorry, the Sheriff's Department provided</p> <p>7 that these deputies are believed to have information</p> <p>8 regarding the observations they made during their</p> <p>9 shifts in the day or two before the rape. You don't</p> <p>10 know anything about that?</p> <p>11 A. No.</p> <p>12 Q. Okay. Your department is able to pull I think you</p> <p>13 said like housing information about who – what</p> <p>14 prisoners are in a particular area –</p> <p>15 A. Yes.</p> <p>16 Q. – when like a sexual assault is alleged to occur,</p> <p>17 right?</p> <p>18 A. Yes.</p> <p>19 Q. And then it's not unheard of or – because I've seen</p> <p>20 it in a number of interviews where, you know, maybe</p> <p>21 they just pass out the blank form and it's like what</p> <p>22 did you see and different inmates will say, you know,</p> <p>23 he did this to this guy or I didn't see anything.</p> <p>24 That's pretty common to hand out witness statements to</p> <p>25 the inmates; right?</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. Well, like in your memory or –</p> <p>2 A. No.</p> <p>3 Q. Okay. That's fair. Are you able to testify about</p> <p>4 whether there was knowledge on the part of the</p> <p>5 department in August of 2006 whether my client,</p> <p>6 Mr. Burks, was at serious risk of attack from other</p> <p>7 inmates?</p> <p>8 A. In 2006?</p> <p>9 Q. Did I say that? 2016. Thank you.</p> <p>10 A. No.</p> <p>11 Q. Are you able to testify whether there was knowledge on</p> <p>12 the part of the department that Mr. Solomon was an</p> <p>13 imminent risk to the people that he was bunking with</p> <p>14 or assigned in the same area with?</p> <p>15 A. No.</p> <p>16 Q. Do you know whether there is any different level of</p> <p>17 supervision in Ward 610 as it being a protective</p> <p>18 custody unit than there is in like a general</p> <p>19 population setting?</p> <p>20 A. It's – it's the same level of supervision. You're</p> <p>21 just isolated. There's less people you have contact</p> <p>22 with. There's three cells instead of, you know, ten.</p> <p>23 Q. Fair enough. So do you know whether there's any</p> <p>24 effort to – do you know whether sometimes people are</p> <p>25 put into Ward 610 or other protective custody areas</p>
<p style="text-align: right;">Page 119</p> <p>1 A. Yes.</p> <p>2 Q. And sometimes it's done when the inmates don't know</p> <p>3 anything and they write I didn't see anything; right?</p> <p>4 A. Yes.</p> <p>5 Q. The county provided – the office – the sheriff's</p> <p>6 office provided a list of inmates who were on the same</p> <p>7 floor or cellblock or nearby adjacent cellblock as the</p> <p>8 Solomon and Burks rape happened. I can – I'm going</p> <p>9 to show you – I'm not going to mark it because I</p> <p>10 printed it funny, but I'm going to show you 34 names.</p> <p>11 I'm not going to read them all into the record, but 34</p> <p>12 names. They start Sims and end with Powell. Can you</p> <p>13 just tell for the record whether you've got that list</p> <p>14 of names now in front of you?</p> <p>15 A. Yes, I do.</p> <p>16 Q. Okay. So these were names that the county provided</p> <p>17 that may have information about this matter. Just</p> <p>18 take a second and look at it and let me know if you</p> <p>19 know of any information about any of them being</p> <p>20 questioned about the rape.</p> <p>21 A. No, I do not.</p> <p>22 Q. Even if you know whether they were questioned or not,</p> <p>23 you don't have anything that tells you they do or</p> <p>24 don't have information one way or the other, do you?</p> <p>25 A. No. Not in front of me.</p>	<p style="text-align: right;">Page 121</p> <p>1 because they've become dangerous and difficult to</p> <p>2 manage in general population? In other words, they're</p> <p>3 problematic to others in general population?</p> <p>4 A. I don't have specific knowledge of that. That's more</p> <p>5 of a classification issue because, I mean, I know that</p> <p>6 we have disciplinary wards and we also have maximum</p> <p>7 security wards. So, I mean, there are ways to manage</p> <p>8 somebody who's difficult. But then if it's a mental</p> <p>9 health issue, I mean, you can do that through mental</p> <p>10 health on the fourth floor, so . . . I don't know if</p> <p>11 they would use it for that reason. That's not</p> <p>12 something I would do.</p> <p>13 Q. You gave me an example of where there might be a</p> <p>14 flasher, and I know you're not saying that happened or</p> <p>15 that was just an example, and you said that in that</p> <p>16 case it might be that the floor security staff could,</p> <p>17 you know, kind of pull out the guy who was complaining</p> <p>18 from the guy who was alleged to do it. Is the floor</p> <p>19 security staff authorized to act that quickly, though?</p> <p>20 Like do they have to involve other people or are they</p> <p>21 able to do that?</p> <p>22 A. Yeah. No. I mean, let's walk all the way through it.</p> <p>23 So say, hey, help on Ward 505, this guy just exposed</p> <p>24 his penis to me. I'm not going to wait and make a</p> <p>25 bunch of phone calls. I'm going to pull the guy out</p>

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<p style="text-align: right;">Page 122</p> <p>1 that exposed his penis and remove him from the housing 2 unit and secure him in a holding cell, so now I've 3 removed the threat, I've done this or that. Now, as 4 far as in terms of writing a report, I've got to 5 notify the sergeant because he's got to approve the 6 report. I've got to notify classification for a new 7 housing assignment. I've got to refer it to the jail 8 compliance department so that a disciplinary hearing 9 can be done. So, I mean, yes, you take action 10 immediately, but after everybody's safe and secure, 11 then you have to notify a bunch. 12 Q. Are there places on every ward or cell – that was 13 nonsense. Strike that. 14 Are there places on every floor or 15 accessible to floor officers where they can, you know, 16 pull someone out for a temporary spot? I think I've 17 seen that marked like with a star on the housing 18 placements or something. 19 A. I don't know about a star in the housing placements, 20 but like you have several different options, so like 21 a – like a – primarily you can always say lock down 22 and lock everybody in their individual cells because 23 they're all single bunked in Division 2. Another 24 option is you could get somebody locked in – like so 25 say I have two inmates fighting. I can't get them all</p>	<p style="text-align: right;">Page 124</p> <p>1 steps happened because of anything unique to them or 2 that their situation is in some way about it being 3 Mr. Solomon and Mr. Burks as opposed to just any two 4 people? 5 A. No. 6 Q. Do you know of any prosecution of any officers that 7 had anything – were present, aware, near anything to 8 do with the rape of Solomon – of Burks by Solomon? 9 A. Do I know the prosecution of any officers like – 10 Q. So any officer that had anything to do with whether it 11 was an investigation, whether they were floor 12 security, whether they were follow-up, whether they 13 were there, you know, before and set up the scenario, 14 anything to do with Burks's rape by Solomon. Have any 15 of those officers ever been prosecuted for anything? 16 A. No. 17 Q. Has any prosecution of any officer that you do know of 18 have anything to do with the rape of Solomon – of 19 Burks by Solomon? 20 A. No. 21 Q. Other than – we know Solomon was prosecuted. Do we 22 know of any other inmate whose prosecution has 23 anything to do with Burks's rape by Solomon? 24 A. No. 25 Q. Was there any pattern of behavior that was played out</p>
<p style="text-align: right;">Page 123</p> <p>1 to lock down because they won't, but I can get one of 2 the combatants to step into a sally port and close 3 that side and I can lock them doors. I don't want to 4 pull him out and have the guy start fighting me, but 5 I've got him isolated from everybody else, so I can 6 leave him there. The other issue is you could pull 7 them out and put them into the hallway holding cell 8 areas where you can isolate them there if they're 9 compliant or if you're able to get handcuffs on them 10 or whatever. So the officers actually do have – they 11 do have options available to them. 12 Q. Do you know whether Burks asked for help at any point 13 from Williams or Bell or Seals or Lee? 14 A. No. 15 Q. You know you're going to be asked to testify and give 16 your opinion about why specific to Burks and Solomon 17 the county fulfilled its constitutional duties. What 18 will be your answer on why the jury should say it did? 19 A. Because upon being notified about it they took action 20 to get him removed from the housing assignment, get 21 medical attention, get investigations launched into it 22 and a criminal prosecution and conviction. 23 Q. Okay. Do you know of any facts that suggest that the 24 scenario with Burks and Solomon, the rape that 25 occurred and then the following steps, that those</p>	<p style="text-align: right;">Page 125</p> <p>1 and prosecuted that related to the Burks and 2 Solomon – that, you know, your department brought to 3 bear on investigating Burks's rape by Solomon? 4 A. Not that I'm aware of, no. 5 Q. Do you know what observations Williams, Bell, Seals, 6 or Lee made on the night of the rape? 7 A. No. 8 Q. Do you know how long they spent on their rounds 9 or...? I mean, I know it's knowable and we have 10 those records, but do you have any information about 11 that? 12 A. No. 13 Q. Do you have any opinions about how long they spent on 14 their rounds or whether they were good or bad rounds? 15 A. My opinion is they met the minimum requirement for 16 what they're supposed to do at the very least. 17 Q. Based on knowing what the times of their rounds were? 18 Is that what you're basing that on? Or is there some 19 other information you have? 20 A. I'm basing it on the totality of all of this that I've 21 been through. I mean, at some point if there had been 22 discipline or anything, this would have come up 23 through all these depositions and question and 24 paperwork and everything, and I have – I've never – 25 nobody's ever hinted at that or anything, and I'm not</p>

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<p style="text-align: right;">Page 126</p> <p>1 aware of any discipline or anything, so...</p> <p>2 Q. So it's the absence of a disciplinary step or –</p> <p>3 A. Information of anything negative.</p> <p>4 Q. Okay. Do you know if anyone's ever assessed whether</p> <p>5 the two of them are doing rounds that really give them</p> <p>6 an opportunity to observe signs of risk or stress</p> <p>7 of – you know, the signs that someone can be</p> <p>8 imperiled and threatened and they're afraid? Do you</p> <p>9 know whether they've been trained on those techniques?</p> <p>10 A. We have training that's covered in our suicide</p> <p>11 prevention training. It's covered in the PREA</p> <p>12 training. It's covered I'm sure in multiple other –</p> <p>13 probably first aid, CPR. It's covered in multiple –</p> <p>14 there's mental health training that everyone takes. I</p> <p>15 don't know if you've ever met Corporal Judy Bell, but</p> <p>16 she's a very experienced officer, like 35 plus years</p> <p>17 probably in the agency.</p> <p>18 Q. Do you have any information or facts about what</p> <p>19 training any of the four of them got prior to</p> <p>20 August 2016?</p> <p>21 A. I don't have that information.</p> <p>22 Q. Have you ever walked rounds with any of the four of</p> <p>23 them in a supervisory, like evaluating their</p> <p>24 demeanor with prisoners or whatever?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 128</p> <p>1 A. So I don't want to let this go on. I don't want to</p> <p>2 let this happen. I've got to – and with the tablets,</p> <p>3 now you can send, you know, grievances that nobody</p> <p>4 else can get access to, kites, the PREA hotline, their</p> <p>5 visits. You know, you get pulled for recreation or a</p> <p>6 medical appointment or whatever. I mean, there are</p> <p>7 ample opportunities to report activity. You could</p> <p>8 pass a note when you ask for your razor or the mop</p> <p>9 bucket or something. I mean...</p> <p>10 Q. You have not been PREA coordinator, right?</p> <p>11 A. No.</p> <p>12 Q. And in terms of – are you able to testify – I mean,</p> <p>13 we have talked to Mr. Davis. But are you planning to</p> <p>14 testify about the activities of his work and how he's</p> <p>15 implemented PREA or...?</p> <p>16 A. Director Davis's?</p> <p>17 Q. Yeah.</p> <p>18 A. No.</p> <p>19 Q. Do you have any insight on how he has run things with</p> <p>20 setting up training or coordinating training for</p> <p>21 staff? Is that something you plan to testify about?</p> <p>22 A. If asked, I would be offered – I would be willing to</p> <p>23 provide that Director Davis is a retired deputy chief</p> <p>24 in the Wayne County Sheriff's Office, and when he was</p> <p>25 a sergeant, I worked as an officer under – underneath</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. Do you know if anyone has above them, command staff?</p> <p>2 A. I'm sure there's been a sergeant or lieutenant or</p> <p>3 somebody at some point who has.</p> <p>4 Q. Okay. Not something that you know of sitting here?</p> <p>5 A. Right.</p> <p>6 Q. Is there any way to know how many times sexual</p> <p>7 assaults are going unreported in the jail maybe from</p> <p>8 fear of being considered a snitch or someone's being</p> <p>9 threatened? Is there any way to tell?</p> <p>10 A. No. But I would be confident that at Jail Division 2</p> <p>11 with single cell bunking is extremely difficult</p> <p>12 because I can see a scenario if you're double bunked</p> <p>13 or during the middle of the night with nobody around</p> <p>14 you can do it, but at Division 2, I mean, the housing</p> <p>15 units are so small. It's so cramped. You're single</p> <p>16 celled. So the doors are open if you're out together.</p> <p>17 There's no two people in the cell together on lockdown</p> <p>18 or anything. So, I mean, anything that goes on in</p> <p>19 that cell, other people are going to know about it.</p> <p>20 And I know that it would be easy to say, well, they</p> <p>21 wouldn't tell, but you have to realize if you're the</p> <p>22 guy that sees this other guy get sexually assaulted,</p> <p>23 you may have the thought in your mind of next week</p> <p>24 it'll be me.</p> <p>25 Q. Right.</p>	<p style="text-align: right;">Page 129</p> <p>1 him, and in his time with the sheriff's office, I</p> <p>2 mean, he was lieutenant over the training unit. He</p> <p>3 was a commander at the jails and at the courts, deputy</p> <p>4 chief. He's been – he's been involved in training</p> <p>5 throughout most of his career. He's been involved</p> <p>6 with, you know, implementing systems and monitoring</p> <p>7 and supervisory and all of those types of activities.</p> <p>8 He's very qualified in that area.</p> <p>9 Q. Okay. Do you have a set of facts that you're basing</p> <p>10 any particular opinion on based on what he has done on</p> <p>11 PREA or sexual assault training?</p> <p>12 A. I mean, I had to work with him when I was the captain</p> <p>13 of Internal Affairs. We would work together on the</p> <p>14 PREA statistics and things like that. So, I mean, you</p> <p>15 know, he was reporting the statistics at certain</p> <p>16 times. He took over that role and that duty, and we</p> <p>17 would look at different cases and things like that.</p> <p>18 So I had had some interactive experience with him.</p> <p>19 Q. Okay. Do you know when he ordered training or what</p> <p>20 the training was for floor security? Do you have any</p> <p>21 facts on what he directed and when?</p> <p>22 A. Yes. Now, I can't provide the specific dates, but</p> <p>23 even to this day he will send out mass emails that</p> <p>24 says, hey, jail PREA captains, which are captains that</p> <p>25 are designated to be PREA, it is time for the annual</p>

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<p style="text-align: right;">Page 130</p> <p>1 training, here is the website, I need everybody to 2 pick a class from these three categories or however 3 many categories, print out their certificates, they 4 all need to be collected and sent back to me on a 5 specific date. And so like to this day he still 6 coordinates and collects all of that, and I get the 7 emails from him, but I don't know when. I mean, I 8 know we've already done it for this year. 9 Q. And that effort – are you planning to testify that 10 that effort of getting everybody trained and tracking 11 and paying attention to their certificates and the 12 classes they're taking that's showing appropriate 13 necessary care for avoiding sexual harm to prisoners? 14 A. I didn't believe that I was going to be testifying 15 about that. I said if I was asked my opinion, these 16 are the things that I would say and I would say that. 17 Q. Okay. 18 A. I mean, his credentials will speak for themselves. 19 Q. Okay. But you don't know when he – like, for 20 example, when the floor security staff got ordered, 21 you must have training by X the first time that he was 22 running this? 23 A. No. I mean, like if we searched the emails, I may 24 find the emails, but . . . From when I was told to do 25 it.</p>	<p style="text-align: right;">Page 132</p> <p>1 whether – how the captains that are designated as 2 PREA managers as to the steps they've taken, when, 3 what, where, your opinions of the steps they've taken 4 on PREA training or any kind of training on sexual 5 assault? 6 A. If asked, I would offer that they help coordinate when 7 the notices are sent out that training be conducted. 8 They help coordinate that everybody's notified of it, 9 everybody completes it, prints out the certificates, 10 they're all collected, they're all forwarded on for 11 record-keeping, and that when he or she is reviewing 12 reports investigatively that she's keeping PREA – or 13 he or she is keeping PREA in mind and making sure that 14 the steps and processes are being followed, in 15 addition to the other maintenance issues and things. 16 Like, for instance, if you have a phone that's down on 17 a housing unit on a ward, well, guess what? Your 18 phone's not just down. Your PREA hotline is down. So 19 you need to make sure that you get that up and running 20 because that is a PREA hotline possible notification. 21 You know, same thing with the tablets, you know, so – 22 so, again, it's – these are things we've all done 23 before. We're just going to make sure that we're even 24 focused on them even more. 25 Q. Okay. And so let's see if I under – so you know</p>
<p style="text-align: right;">Page 131</p> <p>1 Q. Do you know whether there were PREA managers prior to 2 August of 2016? 3 A. I don't know when they were implemented. 4 Q. Okay. And do you know when they did get implemented 5 whether their duties and jobs were the same as they 6 are today? Whenever that – you know, I know you 7 don't know the date, but . . . 8 A. To answer that, I would want to say that their duties 9 and jobs have always been the same because we've 10 always treated sexual assaults in a very serious 11 manner. By designating them PREA managers, the 12 captains, I believe it was kind of one of those 13 things, hey, let's redouble our efforts, let's remind 14 ourselves, let's remind the staff, let's make sure – 15 you know, it's kind of like when you have an uptick in 16 the suicides that we spoke about earlier, we decide, 17 hey, we're going to really reevaluate and really 18 buckle down on this, and I think that's what the PREA 19 manager designation did. So I would like to say that 20 their duties are the same. It's just been a 21 redoubling of the efforts. 22 Q. Okay. And their duties are the – these are people 23 who are captains; is that right? 24 A. Yes. Um-hmm. 25 Q. And so how about are you able to testify as to</p>	<p style="text-align: right;">Page 133</p> <p>1 there's a policy of turning off the phones at night, 2 right? 3 A. After lockdown. Yep. 4 Q. Well, is it after lockdown? 5 A. Yes. Well, it's 9:00; right? Lockdown's at ten. So 6 no. It's one hour before lockdown. 7 Q. Okay. So does that still happen? 8 A. Yes. It should. 9 Q. And in terms of when someone got – anything else that 10 you are prepared to offer an opinion on relative to 11 the PREA managers working on training or anything to 12 do with sexual assault? 13 A. No. I think we've covered it. 14 Q. All right. Do you know whether the policy on sexual 15 assault misconduct, prevention, and intervention, it's 16 14.17, do you know whether that policy contains or 17 reflects each of the requirements of federal law on, 18 you know, for example, PREA? 19 A. When Deputy Chief Larry Hall wrote the policy 20 originally, he is a lawyer, so that was one of the 21 criterias that he was making sure that it followed 22 through, and when him and I would have discussions and 23 conversations about that, those were issues that he 24 was in line with. Now, the subsequent – you know, if 25 there had been changes to that policy or order for</p>

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<p style="text-align: right;">Page 134</p> <p>1 anything, you know, I don't know what may have been 2 omitted. 3 Q. Okay. 4 A. But I know that was in consideration at the time. 5 Q. Okay. And so if I've understood, and I just want to 6 make sure I understand, so Deputy Chief Hall, who's a 7 lawyer, he would have been a person who paid attention 8 to the law, and so that's – and that's the best you 9 can kind of tell me about whatever the policy would be 10 lined up next to whatever federal or state laws? 11 A. Yeah. Unless you give me the federal, state law 12 and/or policy and let me go through it line by line 13 over several hours. That would be the only way to – 14 and even then, I mean, I can only give you my 15 layman's – I'm sure that if I got seven lawyers in a 16 room, all seven would have a different opinion on what 17 it means. 18 Q. Well, let's put it this way. That's not been 19 something – alignment of the policy to state and 20 federal law is not something that has ever been part 21 of your lookout or your duties that have been assigned 22 to you; right? 23 A. Correct. 24 Q. And so, for example, if PREA says that it's important 25 to identify specifically people who are sexually</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. And do you know who has been doing that, if anyone? 2 A. I believe the PREA coordinator. 3 Q. Okay. Do you have dates or exactly what steps that 4 that would have happened? 5 A. Not with me, no. 6 Q. Okay. 7 A. Because we have our own virtual online learning, and 8 the PREA is outside of our own virtual. So, yeah, 9 it's through an independent party. 10 Q. Okay. It sounds like you – did you ever fill out any 11 of the quarterly reports that would go, for example, 12 to the Bureau of Prisons? 13 A. There was a time that I was doing it, and then when 14 Director Davis took over, he took it over at a certain 15 point where I would just pull the files and give them 16 to him. 17 Q. Okay. Do you know when that transition happened? 18 A. It was in my later time in IA, and he was the PREA 19 coordinator after Chuck Pappas, so it would have been 20 my later – my later stages in IA. I don't know exact 21 dates or years. 22 Q. Okay. And so were you able – do you have the 23 decision-making that you would do on, okay, this 24 matter here, the Smith file, qualifies in this 25 category versus that category or would that be</p>
<p style="text-align: right;">Page 135</p> <p>1 aggressive and separate them from people who are 2 sexually vulnerable in housing, Mr. Rommel says we 3 don't have flags for that, could you testify about 4 whether the policy lines up with federal law on that 5 point? 6 A. I believe the PREA coordinator would be better. 7 Q. Have you ever had anything to do with the PREA 8 Resource Center? 9 A. I think we've done some training through them, some 10 online training. 11 Q. Okay. So you think you might have done – so when you 12 say we might have done training, you mean like you 13 might have taken modules yourself? 14 A. Yes. 15 Q. Okay. 16 A. I've definitely taken modules. 17 Q. Fair enough. Through the PREA Resource Center? 18 A. Yeah. I thought I called it NCIC or something 19 earlier, but – or the NICIC Center or something, but 20 yeah, I recognize the PREA Resource Center title. 21 Q. Let me just understand it this way. Have you had any 22 role as a liaison for the department to the PREA 23 Resource Center to obtain resources, evaluate 24 resources, implement resources? 25 A. No.</p>	<p style="text-align: right;">Page 137</p> <p>1 something Davis would be deciding? 2 A. If he was sending the report, he would be deciding 3 that. 4 Q. What about the time before he took over and that you 5 were doing it? Were you with someone else telling you 6 how to categorize or were you deciding that? 7 A. Yeah. There were times like I would fill it out and 8 discuss it with DC Guy and then it would be sent up. 9 Q. Okay. And the things that you were reporting to the 10 Bureau of Prisons, would those all be things that IA 11 had investigated? 12 A. This is a more complicated issue because IA is the 13 de facto keeper of the records for the agency, so even 14 if a case file is let's say a record only, a 15 non-prosecutorial incident, it is still sent to IA and 16 filed and copied there. So we have it. It was not 17 investigated. It was immediately closed upon 18 receiving it. But we actually have the information to 19 report it because the jail has no system for that type 20 of activity. 21 Q. Okay. So let's say I'm a guy and I'm like that guy is 22 flashing me and I'm going to – I'm sure they get 23 angry about that. You need to get him apart from me. 24 Does that become a record that goes to IA? 25 A. Yeah. It could be. Now, and keep in mind flashing</p>

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<p style="text-align: right;">Page 138</p> <p>1 could be a crime, but usually, I mean, it's a 2 misdemeanor. These guys are facing hard time. So 3 they usually would sign like a prosecution rights 4 form, hey, I don't want to prosecute, just move the 5 guy. So then that comes over as a record only and 6 it's just filed, but technically there is something 7 that could still fall beneath the PREA guidelines. 8 Q. Okay. What if it's just like, you know, he's pushing 9 me, he's pressing me for sex, get him away from me -- 10 I guess you testified earlier some people aren't -- 11 they aren't given that assignment or the prosecution 12 rights form. Does that then have a record in the 13 record only category? 14 A. It depends on the incident and the situation, because 15 without a prosecution rights form, then I want a 16 detective to go and ask this person what happened, or 17 you send it back to the jail and say, hey, you need to 18 go back and do a prosecution rights form on this. You 19 know, I mean, it depends on the case. 20 Q. What if it's not a crime? There's no doubt there's no 21 crime. It's just sexually inappropriate. 22 A. Yeah. Record only. We file it. 23 Q. So what gets generated? So the guy's like this guy is 24 just asking me for sex. There's no crime. I mean, 25 maybe that's solicitation. And the guy is like</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. Do you know whether a form was made on Solomon to say, 2 you know, classification, you need to reclassify this 3 guy because he's probable cause sexually assaulted 4 somebody? 5 A. It wouldn't be a form. It would be the report, the 6 JMS report. 7 Q. Okay. Do you know of any way that classification has 8 to like up someone's classification or change their 9 management because of a sexual assault even happening 10 within your own facility? 11 A. I mean, they can review people's classification 12 levels. 13 Q. Sure. And, in fact, they have to; right? Like every 14 so often? 15 A. Every so often or as a command officer or even as an 16 officer or whatever I would feel comfortable with, 17 hey, can you look at so-and-so and see, you know. 18 Q. But do you know whether there's like a weighted 19 formula or a formula or a check box or a flag that 20 says, hey, this guy has committed a sexual, you know, 21 violent or even just a flashing situation in our 22 cells, we've got to manage him differently? 23 A. Yeah. I don't know how any of that's done. They have 24 a system, but I don't know what it is. Because I know 25 they used a Northpointe computer system at one point.</p>
<p style="text-align: right;">Page 139</p> <p>1 talking about sex and talking about how he likes to 2 have -- I don't want it, you know, he's weirding me 3 out. What happens -- what's documented -- 4 A. What happens with like PREA is you would write a 5 report, a JMS report, because it's referred for 6 discipline or even if it's referred for information 7 only, and then like typically we get those through the 8 PREA hotline, which go to Internal Affairs or through 9 the grievance system, which goes to compliance, so 10 what happens is is we get notified by the compliance 11 person or the IA person. Hey, so-and-so just called 12 the PREA hotline or so-and-so just sent this 13 grievance. Somebody's got to go up and interview him. 14 Usually we send a sergeant out. So the sergeant goes 15 out, hey, what happened? Oh, nothing. I just want 16 this guy to leave me alone. So you write that quick 17 two-liner out. Hey, we interviewed this guy because 18 he picked up the PREA hotline. He says that this guy 19 exposed his genitals to him. He just wants to be left 20 alone. He was never physically touched, assaulted, 21 doesn't need medical, doesn't need mental health or 22 nothing. We just gotta move this guy. Contact 23 classification. New housing assignment. So PJ83, JMS 24 report. Classification. You move the guy. Record 25 only. No investigation necessary.</p>	<p style="text-align: right;">Page 141</p> <p>1 They've had a confinement file system. So I don't 2 know what it is. 3 Q. Do you know anything about the training that's 4 mandated at the academy specific to sexual safety, 5 whether it's PREA or just more generally sexual 6 safety? 7 A. So when you say the academy, do you mean the police 8 academy we send to a new jailer's training person 9 who's going to operate in the jail or do you mean 10 somebody we send to Schoolcraft College to become a 11 certified state licensed police officer on the street? 12 Q. Let's start with the new jailer training. 13 A. New jailer's training, yes. They teach PREA in 14 jailer's training because those are officers that are 15 going to work in our jail specifically. 16 Q. Okay. And do you know when they started teaching PREA 17 concepts specific to -- 18 A. No. 19 Q. -- your academy? Okay. And then do you know whether 20 when they did do that there was some other module that 21 rolled out with -- parallel to the training of the 22 people who had already been to the academy? 23 A. I don't know. 24 Q. Okay. And then the second group you said is that 25 there's also someone could go to Schoolcraft for the</p>

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<p style="text-align: right;">Page 142</p> <p>1 state -- you know, state licensed position?</p> <p>2 A. Yeah. Now, they're training people to be police</p> <p>3 officers on the street. I doubt they cover PREA.</p> <p>4 Q. Okay.</p> <p>5 A. Because they're doing traffic stops and stuff. That</p> <p>6 type of stuff.</p> <p>7 Q. Fair. Although there was a case I think it was in</p> <p>8 2017 where a guy was asking women for sexual favors</p> <p>9 when he would pull them over and stop them and they</p> <p>10 caught him.</p> <p>11 A. Yeah. I mean, that's a crime, but, I mean, the Prison</p> <p>12 Rape Elimination Act is designed for prisons.</p> <p>13 Q. Prison. Right. Yeah. All right. And have you ever</p> <p>14 had any role in like developing the modules at the new</p> <p>15 jailer training or on sexual safety specifically?</p> <p>16 A. No.</p> <p>17 Q. And have you ever like sat through the modules</p> <p>18 specific to sexual safety at the new jailer training?</p> <p>19 A. No.</p> <p>20 Q. Okay. And you don't know when Williams, Bell, Seals,</p> <p>21 or Lee took any training at all let alone PREA</p> <p>22 specific training; right?</p> <p>23 A. I don't have that information.</p> <p>24 MS. PRESCOTT: Do you mind if we take five?</p> <p>25 I'm going to look at my notes. I think I'm done, but</p>	<p style="text-align: right;">Page 144</p> <p>1 A. The 17th maybe.</p> <p>2 Q. Okay. The 17th was the last Friday.</p> <p>3 A. I think -- I think it was Friday the 17th.</p> <p>4 Q. Okay. And then did you write the words on the paper?</p> <p>5 Like did you type -- even if you didn't put them into</p> <p>6 this format, did you write any of this content?</p> <p>7 A. We had had a conversation and then he wrote it or I'm</p> <p>8 assuming he wrote it.</p> <p>9 Q. Okay. So the answer is you didn't write this?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And have you ever seen it in this -- I mean,</p> <p>12 have you seen it in this format? So this -- with this</p> <p>13 like header and signature line and all that?</p> <p>14 A. Yeah. I believe this is the same.</p> <p>15 Q. Okay. Do you know of any Internal Affairs</p> <p>16 investigation that would have reviewed a</p> <p>17 classification decision at any time or said anyone</p> <p>18 sort of fell down on the job relative to how they</p> <p>19 would classify somebody?</p> <p>20 A. No. As I sit here I do not.</p> <p>21 Q. I should have asked you one more thing about</p> <p>22 Exhibit 1. I'm sorry. Is there anything in it that</p> <p>23 you see that you would change or be incorrect about</p> <p>24 your -- the portion that comes under your name?</p> <p>25 A. The one -- the only thing is you had asked me earlier</p>
<p style="text-align: right;">Page 143</p> <p>1 I just want to check my notes.</p> <p>2 MR. O'NEILL: Yeah.</p> <p>3 (Recess taken at 12:22 p.m.)</p> <p>4 (Back on the record at 12:30 p.m.)</p> <p>5 MS. PRESCOTT: Okay. We can go back on.</p> <p>6 (Marked EXHIBIT 1 at 12:30 p.m.)</p> <p>7 BY MS. PRESCOTT:</p> <p>8 Q. I'm going to hand it to your lawyer first. It's not</p> <p>9 because I'm being rude but so he can look at it. This</p> <p>10 is what I'm going to mark as Exhibit 1. Take a look</p> <p>11 at it. Tell me when you've had a chance to do so.</p> <p>12 A. Do I need to read the parts about Director Davis or</p> <p>13 just my own?</p> <p>14 Q. Anything you're comfortable with. I wasn't going to</p> <p>15 ask you specific questions about that area, but...</p> <p>16 A. Okay.</p> <p>17 Q. So that document is signed by -- it's not signed by</p> <p>18 you. It's signed by Mr. O'Neill. I'm just wondering</p> <p>19 if you've seen this document before.</p> <p>20 A. Yes, I have.</p> <p>21 Q. Okay. And when did you first see it?</p> <p>22 A. It was the Friday -- not last Friday. The Friday</p> <p>23 before.</p> <p>24 Q. Okay. And let's see. We're on a Monday, so it would</p> <p>25 have been -- let me look at the calendar.</p>	<p style="text-align: right;">Page 145</p> <p>1 if Mr. Burks was ever in general population. I told</p> <p>2 you I didn't know. And it says that Mr. Burks was</p> <p>3 never in general population at the Wayne County Jail.</p> <p>4 That would be the only thing that...</p> <p>5 Q. Okay. How about anything that you would add to this</p> <p>6 exhibit?</p> <p>7 A. No.</p> <p>8 Q. Okay. Do you think that the Wayne County Jail has</p> <p>9 needed a culture change to align itself to what PREA</p> <p>10 requires in terms of protecting people from prison</p> <p>11 rape?</p> <p>12 A. No. No. We have some of the most violent criminals</p> <p>13 in the country, if not the world, and, you know, other</p> <p>14 agencies when we talk to them and discuss to them and,</p> <p>15 you know, they hear how many homicide suspects we have</p> <p>16 and other things of that nature, they can't even</p> <p>17 fathom how we're able to maintain the control that we</p> <p>18 do, especially in light of we were supposed to be in a</p> <p>19 new jail back in 2012 that was never completed, and</p> <p>20 with the national staffing issues and everything else</p> <p>21 that's going on, we actually do an incredible job with</p> <p>22 what we have. I mean, that jail was built in the</p> <p>23 1920s.</p> <p>24 Q. Do you think it gets in the way of your ability to</p> <p>25 keep prisoners safe?</p>

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<p style="text-align: right;">Page 146</p> <p>1 A. Oh, a newer facility would absolutely make it easier 2 and aid us and help us with being able to do that. 3 Q. How about the fact that the county controls what you 4 can offer to people to pay them? Do you think that 5 that gets in the way of your ability to recruit and 6 get the right numbers that keep people safe? 7 A. I can't necessarily say that that's the case because 8 when I wanted to be a cop it wasn't because I ever 9 thought I was going to get rich. I think that there's 10 a cultural shift in the country. Some of it is 11 deserved, some of it is media manipulated, and some of 12 it is perceived. We have some work to do, and I don't 13 mean Wayne County. I mean law enforcement in general. 14 But society has some work to do too. 15 Q. Were you ever present when Mr. Napoleon would say that 16 the way that the county executives would control the 17 pay scale would interfere with his ability to bring 18 people on and the numbers that was needed? 19 A. I've heard the sheriff say that, yes. 20 Q. Do you agree with that? 21 A. To an extent. I mean, like I said, when I wanted to 22 be a cop, it wasn't because I thought I would get 23 rich. I think the benefits has more to do with it 24 than the pay scale, the cost of the medical insurance 25 and the pension situation.</p>	<p style="text-align: right;">Page 148</p> <p>1 them altogether. So I don't believe that they had the 2 money and just kept it from us. I believe that it 3 wasn't possible to do business as usual. 4 BY MS. PRESCOTT: 5 Q. Do you remember -- were you ever part of the sheriff 6 having to in a court of law go back and forth with the 7 county about mandates that he was up against with the 8 constitution and the consent decree? 9 A. No. I was never part of that. 10 Q. You weren't part of that. 11 MS. PRESCOTT: Okay. Those are my 12 questions. Appreciate it. 13 MR. O'NEILL: I have nothing. Thank you. 14 MS. PRESCOTT: Thank you for your time. 15 THE WITNESS: Thank you. 16 MR. O'NEILL: I'll take an electronic copy, 17 please. 18 (The deposition was concluded at 12:39 p.m. 19 Signature of the witness was not requested by 20 counsel for the respective parties hereto.) 21 22 23 24 25</p>
<p style="text-align: right;">Page 147</p> <p>1 Q. But weren't the benefits and the pay better for people 2 like you when you came in versus people today? 3 A. Yeah. Yeah. They sure were. 4 Q. Do you think that the county has devoted the resources 5 to the sheriff's office and specifically to the jail 6 that it really needs to maintain its operations? 7 MR. O'NEILL: Objection. Foundation and 8 outside the scope of this expert's planned testimony 9 at trial. 10 You can answer if you can. 11 A. I was on the bargaining team for the command officers 12 union when I was a captain, so I had a chance to sit 13 down with the county and negotiate some of these very 14 issues right before we were imposed upon from the 15 consent decree. And has the county been able to fund 16 us the way that I would like to see us funded? No. 17 But the county had to fund us in the way that they 18 were able to fund us, and the simple fact of the 19 matter is the money didn't exist. They didn't have 20 it, so they couldn't give it to us. And because of 21 some bad decisions that were made previously in the 22 past regarding the pension system and things of that 23 nature, it wasn't sustainable, and I would rather see 24 them make the cuts that they did and, you know, go 25 through a bankruptcy or something and possibly lose</p>	<p style="text-align: right;">Page 149</p> <p>1 CERTIFICATE OF NOTARY 2 STATE OF MICHIGAN) 3) SS 4 COUNTY OF WAYNE) 5 6 I, Cheri L. Poplin, certify that this 7 deposition was taken before me on the date 8 hereinbefore set forth; that the foregoing questions 9 and answers were recorded by me stenographically and 10 reduced to computer transcription; that this is a 11 true, full and correct transcript of my stenographic 12 notes so taken; and that I am not related to, nor of 13 counsel to either party nor interested in the event of 14 this cause. 15 16 17 18 19 20 21 22 Cheri L. Poplin, CSR 5132, RPR, CRR 23 Notary Public, 24 Wayne County, Michigan 25 My Commission expires: August 21, 2025</p>